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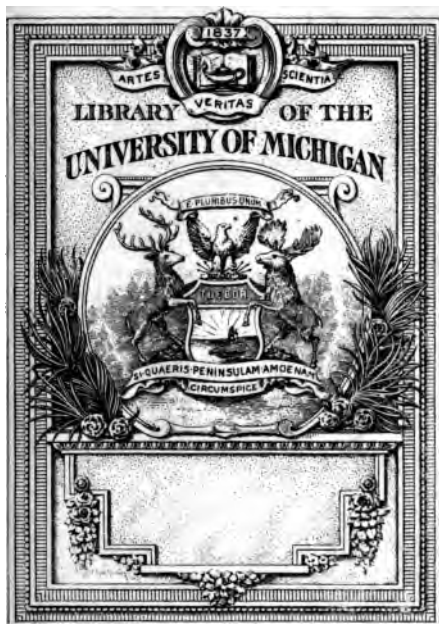
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A
SUMMARY
OF THE LAW RELATIVE TO
Appeals,
AGAINST ORDERS OF REMOVAL,
AGAINST RATES,
AND
AGAINST ORDERS OF FILIATION,
TOGETHER WITH
THE PRACTICE
OF
THE COURT OF QUARTER SESSIONS, IN APPEALS.

—◆—
Second Edition,

With very considerable Additions and Alterations.

—◆—
BY JOHN FREDERICK ARCHBOLD, Esq.
OF LINCOLN'S INN, BARRISTER AT LAW.

—◆—
VOL. I.

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PREFACE

To the Second Edition.

THIS little work has long been out of print; and I regret that I have not before this had an opportunity of preparing a new edition. Mr. Clarkson, who did me the favour of editing the first edition, at a time when I had no leisure to do it myself, has been prevented by his professional avocations from affording me his valuable assistance upon this occasion; and my own engagements left me little time to devote to it. I have, however, applied myself incessantly to it, in the intervals of business, particularly during the present vacation, and I have at length been enabled to accomplish it. And the reader will find that I have not done it carelessly; I estimate too highly the very kind and flattering manner in which the Profession receive my works, ever to be guilty of carelessness in preparing them for publication: in the present instance, I have rewritten nearly the whole of the work, and for that purpose have been obliged to consult and examine with attention all the authorities (to the number of

nearly 2000) which are cited in it,—a task which has occupied more time, and required more labour, than the reader will possibly give me credit for. If, however, it be found that I have performed this task carefully and correctly, and that the work itself answers the purpose for which it was originally intended, I shall have no cause to regret the labour it has cost me, or the pains I have bestowed upon it.

J. F. A.

5, *Chancery Lane.*

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ADDENDA ET ERRATA.

*. * The reader is requested to make the following additions and corrections in his copy.

- Page 5, line 9 from top, for "ii. 22," read "ii. 24."
 7, — 18 from top, for "Geo. 3, c. 88," read "22 Geo. 3, c. 88."
 8, — 18 from top, for "ii. 57," read "ii. 37."
 11, — 15 from top, for "ii. 50," read "ii. 161."
 11, — 12 from bottom, for "i. 66," read "ii. 66."
 16, — 20 from top, for "28 Geo. 3, c. 40," read "28 Geo. 3, c. 40."
 24, — 17 from top, for "Lushington" read "Luffington."
 25, — 4 from bottom, after "ii. 242," add "See R. v. St. Michaels, Bath, 2 Bott. 459, ii. 1400."
 26, — 14 from top, for "is," read "was."
 29, — 16 from top, for "2 Str. 942," read "2 Sess. Ca. 182."
 29, — 2 from bottom, after "8 B. and C. 671," add "ii. 321."
 32, — 19 from bottom, after "ii. 384," add, "but see R. v. Martlesham, 10 B. and C. 77, ii. 1401."
 32, — 14 from bottom, for "20 Geo. 3, c. 136," read "20 Geo. 3, c. 36."
 85, — 5 from bottom, for "Coxwell," read "Coxwold."
 41, — 4 from bottom, after "ii. 513," add, "R. v. Tipton, 9 B. and C. 888; ii. 1402."
 41, — 15 from top, for "82," read "81."
 42, — 12 from bottom, after "ii. 524," add, "R. v. Taunton St. James, 9 B. and C. 831; ii. 1403."
 44, — 7 from bottom, after "ii. 572," add, "R. v. Birmingham, 9 B. and C. 925; ii. 1404."
 49, — 19 from top, after "ii. 646," add, "but see R. v. Roxby, 10 B. and C. 51, ii. 1405, *semb. contra.*"
 50, — 5 and 10 from bottom, for "ii. 227," read "ii. 228."
 69, — last, for "ii. 491," read "ii. 441."
 70, — 2 from bottom, for "Shurston," read "Shenston."
 71, — 17 from bottom, for "7 B. and C." read "8 B. and C."
 72, — 6 from bottom, after "Vide supra," add, "And see R. v. Ashfield cum Thorpe, 9 B. and C. 939; ii. 1406."
 76, — 12 from bottom, for "ii. 1037," read "ii. 1021."
 81, — 23 from top, for "ii. 1050," read "ii. 1027."
 95, — 10 from bottom, for "48 Geo. 3, c. 98, s. 26," read "9 Geo. 4, c. 40, s. 29."

INTRODUCTION.

A little work treats of appeals against orders of removal, against rates, and against orders of filiation. It may be necessary, however, in order the better to understand such part of it as treats of appeals against orders of removal, that we should treat also shortly of appeals for relief and removal of the poor, we shall do so here, by way of introduction.

Relief of the Poor.
Removal of the Poor.

1. RELIEF OF THE POOR.

whom.] 1. All persons who become chargeable, must be relieved by the overseers of the poor of that parish in which they become chargeable (*a*). If they be not settled in that parish, the overseers must continue to relieve them, as long as they shall need relief (*b*); if they be settled elsewhere, they may be removed to the parish or township in which they were, last legally settled (*c*). As to English persons, whose place of settlement is not known, the overseers of the parish in which they become chargeable must continue to relieve them as long as they remain in that parish and need relief; for they must relieve them, as above mentioned, and cannot remove them (*d*). Persons born in Scotland or Ireland, or in the isles of Man, Jersey, or Guernsey, who become chargeable, and have acquired no settlement in England, must be passed to their respective countries (*e*). Persons becoming chargeable to parishes in which they are not

See *Clypton St. Mary's v. Ravistock, Set. and Rem.* 31, pl. 40, ii. 25.
See 48 Ellz. c. 2, s. 1. (c) *See* title "*Removal*," *post*, p. 9.
Idem supra. (e) 59 Geo. 3. c. 12. s. 33, 34.

legally settled, are usually termed casual poor (f). As to the relief of casual poor in united parishes, *see stat. 33 Geo. 3. c. 35. s. 3.*

(f) *See* Clypton St. Mary's v. Ravistock, *supra*. R. v. St. Lawrence, Ludlow, 4 B. and A. 660. R. v. Chadderton, 2 East, 27. R. v. Bury St. Edmunds, 10 East, 26. Adkins v. Banwell, 2 East, 506. Simmons v. Wil-mott, 3 Esp. 91.

2. The father and grandfather, mother and grand-mother, and the children (g), of every poor, old, lame, and impotent person, or other poor person not able to work (h), shall, if of sufficient ability (i), relieve and maintain such poor person, in the manner and according to the rate assessed by the justices at their general quarter sessions (j), [or petty sessions (k)], upon pain (l) of forfeiting 20s. for every month they shall fail to do so (m). *See the form of the order, infra* (1).

(g) *See* R. v. Dunn, 1 Bott, 376, ii. 1. R. v. Kempson, 1 Bott, 378, 2 Str. 965, ii. 2. Walton v. Spark, Set. and Rem. 159, pl. 210, Skin. 566, ii. 1. R. v. Clentham, Foley, 39, ii. 4. R. v. St. Botolph's, Aldgate, Foley, 42, ii. 5. R. v. Munday, 1 Str. 190, 4 T. R. 119, Set. and Rem. 91, pl. 124, Fortesc. 303, 2 L. Kaym. 1454, ii. 6. R. v. Benoire, 1 Bott, 379, ii. 7. Case of Woodford and Lilburn, 1 Bott, 379, ii. 8. Tubb v. Harrison, 4 T. R. 118, ii. 9. Cooper v. Martin, 4 East, 76, ii. 10. R. v. Smith, 2 Car. and F. 449, ii. 11.

(h) *See* St. Andrews Undershaft v. Jacob Mendez de Breta, 1 L. Raym. 699, ii. 12. R. v. Gullely, Foley, 47, ii. 13. R. v. Litton, Set. and Rem. 68, pl. 111, ii. 14. R. v. Tripping, 1 Bott, 370, ii. 15. R. v. Woodford, 1 Bott, 371, ii. 39. R. v. Pennoyer, 1 Bott, 371, ii. 40.

(i) *See* R. v. Halifax, Set. and Rem. 33, pl. 52, ii. 16. R. v. Dunn, 1 Bott, 376, ii. 1. Case of Woodford and Lilburn, 1 Bott, 379, ii. 8.

(j) *See* R. v. Jones, Foley, 53, ii. 17. R. v. Jenkins, 2 Salk. 534, ii. 18. R. v. Joyce, 16 Vin. Abr. 423, ii. 19. Walton v. Spark, Set. and Rem. 159, pl. 210, Skin. 566, ii. 3. R. v. Kempson, 1 Bott, 378, 2 Str. 965, ii. 2. R. v. Reeve, 2 Bulst. 344, ii. 20.

(k) 69 Geo. 3. c. 12. s. 26.

(l) *See* R. v. Robinson, 2 Burr. 799, ii. 21.

(m) 43 Eliz. c. 2. s. 7. *See* Id. s. 11.

(1) Order of Maintenance.

County of } The order of I. P. and
L. M. esquires, two of
to wit. } his majesty's justices
of the peace in and for the said
county, one whereof is of the quo-
rum, made at a petty sessions, held
at _____, in the said county, the
_____ day of _____, in the year
of our Lord one thousand eight
hundred and _____; upon an ap-
plication to us, the said justices,
at the said petty sessions, by the
churchwardens and overseers of the
poor of the parish of _____, in the
county of _____, to have an order
made on A. B. of _____, in the said
county of _____, requiring him to

maintain C. B. his [child], who
is poor and unable to work so as
to maintain and support himself,
and chargeable to the said parish
of _____, he the said A. B. being a
person of sufficient ability to main-
tain and provide for his said [child].
And the said A. B. having been
duly summoned to appear before
us, the said justices, at the said
petty sessions, to the end that we
might examine into the cause and
circumstances of the premises, has
not shown any sufficient cause why
such order should not be made;
and we, having heard the parties so
complaining, and duly considered

Relief of the Poor.

3

party however must be chargeable (n).

Tripping, 1 Bott, 370, ii. 15.

persons able wholly or in part to maintain themselves and families by work or other means, and wilfully ; or neglecting to do so, whereby they or their become chargeable, are punishable as idle and rly persons (o).

eo. 4, c. 88, s. 3.

ensioners in the navy or army, applying for relief, in their next quarter's pension (p). *See the form assignment, infra* (2).

Geo. 3, c. 12, s. 80.

of of sailors, soldiers and marines in the king's , and their wives, &c. in what cases, and how (q).

Geo. 3, c. 61. 58 Geo. 3, c. 92. 5 Geo. 4, c. 88, s. 16.

of of the families of milita-men in actual service, ; cases, and how (r).

Geo. 3, c. 47. See R. v. Ledbury, 7 T. R. 558, ii. 22 ; R. v. Presast. 313, ii. 28.

instances of the said com-
s well as the want of any
defence on the part of the
B., do adjudge and deter-
at the said C. B. is poor
ble to work, so as to main-
l support himself, and that
actually chargeable to the
sh of —, and that the said
a person of sufficient abli-
aintain and provide for the
B. Therefore we do order,
e said A. B. shall and do
h, upon notice of this our
ay or cause to be paid to
rchwardens and overseers
poor of the said parish of

—, for the time being, or to
some or one of them, weekly
every week from this present time,
the sum of —, for and towards
the sustentation, relief, mainte-
nance and support of the said
C. B., for and during so long time
as the said C. B. shall be chargeable
to the said parish of —, or un-
til the said A. B. shall be legally
directed to the contrary.

Given under our hands and seals,
at — aforesaid, the day and
year first above written,

I. P. (L. S.)
L. M. (L. S.)

(2) Assignment.

ming the pensioner, or other
t, and stating such particu-
shall be requisite] do hereby
to the churchwardens and
s of the poor of the parish
—, the next payment of the
—, at the rate of — per
[or, as the case may be,]
to me as —, and pay-
m —, in order to secure
aid parish of — the re-

payment of the sum of —,
advanced to me, [or, of the weekly
sum of —, ordered or agreed to
be advanced to me, as the case may
be], by such churchwardens and
overseers.

Signed by the above-named
—, before me, one of
his majesty's justices of the
peace for —, this —
day of —

Wives or families of seamen in the merchant-service, becoming chargeable whilst their husbands are absent on a voyage, the parish to be reimbursed by an order of two justices on the owners, ship's husband, or agent of the ship, to pay, out of the wages due, such sums as the parish may have advanced (*s*). See the form of the order, *infra* (3).

(*s*) 59 Geo. 3. c. 12. s. 32.

5. Pauper lunatics, how relieved, &c. (*t*).

(*t*) 9 Geo. 4. c. 40. See *Index*, "Lunatics," and see *R. v. Maulden*, 8 B. and C. 78. ii. 89.

6. Prisoners, how relieved:—prisoners in custody for felony or misdemeanor (*u*); prisoners in custody on mesne process, in gaols not county gaols (*v*); prisoners in custody in the King's Bench, Fleet and Marshalsea prisons (*w*); or prisoners in custody for penalties at the instance of the commissioners of customs or excise (*x*).

(*u*) 19 Car. 2. c. 4.

(*v*) 52 Geo. 3. c. 160.

(*w*) 53 Geo. 3. c. 118. See 23 Geo. 3. c. 23. s. 2.

(*x*) 53 Geo. 3. c. 21.

7. Persons running away, and leaving their wives or children chargeable, or whereby they shall become chargeable, are punishable as rogues and vagabonds (*y*).

(*y*) 5 Geo. 4. c. 83. s. 4.

(3) Order.

County of } To the Owner, Ship's
to wit, } Husband, or Agent
[as the case may be], of the Ship or Vessel
called the

Whereas complaint on oath hath been made before us, two of his majesty's justices of the peace, acting in and for the county of —, by the churchwardens and overseers of the poor of the parish of —, in the county of — aforesaid, that A. B., the wife of J. B. and their children, viz. [naming the children] have become chargeable to the said parish of —. And whereas it hath been made to appear to us, that the said J. B. is now employed in the actual service of —, on board the —, on a voyage to —, and that since his departure the overseers of the said parish of — have necessarily laid out and expended, in the maintenance and support of the wife and family of

the said J. B. the sum of —. We do, therefore, order and direct you, the said owner, &c. [as the case may be] forthwith, on receipt hereof, to pay unto the churchwardens and overseers of the poor of the parish of — aforesaid, or to such one of them as shall demand the same, the said sum of —, out of the wages which are or shall become due to the said J. B. in discharge of the said money so expended in the maintenance and support of the said A. B. and their said family. And the receipt of such churchwarden or overseer shall be to you a good and sufficient discharge for the said sum of —, hereby directed to be paid, for the purposes aforesaid.

Given under our hands and seals, this — day of —, in the year of our Lord one thousand eight hundred and —.

I. P. (L. S.)
L. M. (L. S.)

Relief of the Poor.

5

Husband, father or mother, running away, and leaving wife or children chargeable, his or her goods and annual profits of lands, or a sufficient portion thereof, may be seized under the warrant or order of two justices; and such warrant or order being confirmed by the sessions, the goods may be sold and the rents received, for the discharge of the parish, and for the providing for the wife, &c. (z). *See the form of the warrant or order, infra* (4).

(z) 5 Geo. 1. c. 8. See *Stable v. Dixon*, 6 East. 163. ii. 22.

Or if they be pensioners in the navy or army, the two justices may order payment of their pensions to the overseers (a). *See the form of the order, infra* (5).

(a) 59 Geo. 3. c. 12. s. 31.

(4) *Order.*

County of } To the Churchwardens
to wit. } and Overseers of the
Poor of the Parish of
—, in the said County.

Whereas it appears unto us, whose names are hereunto set and seals affixed, two of his majesty's justices of the peace for the said county, as well upon the complaint and application of the churchwardens and overseers of the poor of the parish of — aforesaid, in the county aforesaid, as upon due proof upon oath before us made, that A. B., late of the parish of — aforesaid, in the county aforesaid, yeoman, hath gone away from his place of abode at —, in the parish aforesaid, into some other county or place, and hath left —, his wife and —, their children, upon the charge of the parish of — aforesaid, the place of their last legal settlement, and that the said A. B. hath some estate, whereby to ease the said parish of their said charge, in

whole or in part; we do hereby authorize and command you, the said churchwardens and overseers of the poor of the parish of — aforesaid, to take and seize —, and —, and —, of the goods and chattels of the said A. B., and to receive so much [specifying the sum] of the annual rents and profits of the lands and tenements of him, the said A. B., at — aforesaid, for and towards the discharge of the said parish, for the providing for his said wife, and bringing up and maintaining of his said children; and with this warrant you are to appear at the next quarter sessions of the peace, to be holden for the said county, and certify then and there what you shall have done in the execution hereof.

Given under our hands and seals, at —, in the said county, the — day of —, in the year of our Lord —.

1. P. (L. S.)

L. M. (L. S.)

(5) *Order.*

County of } To the Commissioners
to wit. } for the Affairs of the
Royal Hospital of
Chelsea [or Greenwich, or the
Secretary of the Board of Ordnance,
as the case may be].

Whereas complaint on oath hath been made before us, two of his majesty's justices of the peace, acting in and for the county of —, by the churchwardens and

overseers of the poor of the parish of —, in the said county of —, that A. B., late of —, hath deserted his wife and family, whereby they have become chargeable to the said parish of —.

And whereas it duly appears unto us, that the said A. B. is entitled to receive of and from — a certain annual allowance or pension, amounting to —, and that no

How relieved.] The overseers shall set to work the children of persons who are not able to maintain them, and all persons having no means to maintain themselves and using no ordinary and daily trade to get their living by; and they shall relieve the lame, impotent, old, blind, and such of the poor as are not able to work (*b*). And if the poor, so ordered to work, will not do so, they may be committed to the house of correction (*c*).

(*b*) 43 Eliz. c. 2. s. 1. See *R. v. Collett*, 2 B. & C. 324. ii. 26. *R. v. Woodsterton*, 2 Barnard. 207. 247. ii. 27. *R. v. Colbitch*, 1 Barnard. 46. ii. 28.

(*c*) 43 Eliz. c. 2. s. 4.

Overseers, with the consent of justices, may set up trades, &c. for the purpose of setting the poor to work (*d*).

(*d*) 3 C. 1, c. 4. s. 22.

Parishes may purchase or hire land (not exceeding twenty acres), for the employment of paupers (*e*), or for the purpose of letting it in portions to the poor (*f*).

(*e*) 59 Geo. 3. c. 12. s. 12. and see s. 24, 25.

(*f*) 59 Geo. 3. c. 12. s. 18.

Overseers, with the consent in writing of the lord of the manor, may build dwellings for them on the waste (*g*).

(*g*) 43 Eliz. c. 2. s. 5. See 59 Geo. 3. c. 12. s. 24.

Workhouses may be purchased, hired or built (*h*). Regulations thereof (*i*). Contracts to supply them (*k*). If paupers refuse to go into the workhouse, the over-

(*h*) 9 Geo. 1. c. 7. s. 4. 45 Geo. 3. c. 54. 59 Geo. 3. c. 12. s. 8-18. See 1 & 2 Geo. 4. c. 56. And see 13 & 14 C. 2. c. 12. s. 4, &c.

(*i*) 22 Geo. 3. c. 83. s. 34. and Sch. 49 Geo. 3. c. 124. s. 5. 50 Geo. 3. c. 50. See 54 Geo. 3. c. 170. s. 7. 55 Geo. 3. c. 137. s. 5. 56 Geo. 3. c. 123. s. 2.

(*k*) 55 Geo. 3. c. 137. s. 6. 7. 22 Geo. 3. c. 83. s. 42.

assignment of the said pension hath been made by the said A. B. to the said churchwardens and overseers for the support and maintenance of the wife and family of the said A. B. Now we, I. P. and L. M., the justices aforesaid, do hereby, in pursuance of the statute in that case made and provided, order and direct that the next payment of the said pension or allowance, due to the said A. B., shall be paid by you the said commissioners, &c. [as the case may be,] to the churchwardens and overseers of the poor of the said parish of —, or to

one of them, to be by them retained and applied in part or in total discharge of such sum or sums of money as they may have expended in the support and maintenance of the wife and family of the said A. B., rendering the overplus [if any] unto the said A. B. or to such person as he shall duly authorize to receive the same.

Given under our hands and seals, this — day of —, in the year of our Lord one thousand eight hundred and —.

I. P. (L. S.)
L. M. (L. S.)

ers may refuse them relief (*l*), unless in certain cases, their own houses (*m*). See *Index, tit. "Workhouse."*

(*l*) 9 Geo. 1. c. 7. s. 4. See 22 Geo. 3. c. 83. s. 29. 32. R. v. Carlisle, *id.* 76. cit. 3 T. R. 638. ii. 29. R. v. Winship and Greenwell, *Cald.* 72, *Burr.* 2677. ii. 30. R. v. Haigh and another, 3 T. R. 687. ii. 31. R. v. Keer and Rich. 5 T. R. 159. ii. 32. R. v. North Shields, 1 Doug. 381. ii. 33.
(*m*) 36 Geo. 3. c. 23. 55 Geo. 3. c. 137. s. 3. 4.

The overseers may relieve in certain cases of extravagance, neglect or wilful misconduct, by way of loan (*n*).

(*n*) 59 Geo. 3. c. 12. s. 29.

The overseers may contract with others for the management of the poor (*o*).

(*o*) 9 Geo. 1. c. 7. s. 4. R. v. Beeston, 3 T. R. 592. ii. 24. 45 Geo. 3. c. 54. 50 Geo. 3. c. 50. s. 2. See 22 Geo. 3. c. 83. And see the form of his contract, *infra* (6).

And two or more parishes may form themselves into incorporated societies, for the maintenance of the poor (*p*).

(*p*) Geo. 3. c. 83. 23 Geo. 3. c. 55. 36 Geo. 3. c. 10. 41 Geo. 3. c. 9. 2 Geo. 3. c. 74. 43 Geo. 3. c. 110. 52 Geo. 3. c. 73. 59 Geo. 3. c. 12. s. 27. 1 & 2 Geo. 4. c. 56.

As to the maintenance of prisoners, see *ante*, p. 4.

(6) Contract.

At a public meeting of the inhabitants of the parish of —, in the county of —, for that purpose assembled, upon usual notice hereof first given: it is contracted, by and with the consent of the major part of the said inhabitants so assembled as aforesaid, between A. B. and C. D., churchwardens, and E. F. and G. H., overseers of the poor of the said parish, of the one part, and A. M. of —, in the said parish, yeoman, of the other part: that he, the said A. M., shall and will, during the space of one whole year, to commence from — next ensuing, at his own proper costs and charges, in the house in which he now dwelleth, find, provide, and allow unto all such poor people as shall be lawfully entitled to relief and maintenance from the said parish, and shall be brought unto him by the churchwardens or overseers of the poor aforesaid, or any of them, or by their or any of their successors for the time being, sufficient lodging, meat, drink, clothing, employment, and other things necessary

for their keeping and maintenance; and that, in consideration thereof, the said churchwardens and overseers of the poor, and their successors respectively, shall pay, or cause to be paid, to the said A. M., the sum of —, in equal proportions. The said A. M. to have moreover and take unto himself the benefit of the said poor people's work, labour, and service, during the said term. In witness whereof the parties to these presents have hereunto set their hands, the — day of —, in the year of our Lord —.

If two parishes or townships shall join in such contract, it will be necessary to insert in it the consent of the justice of peace; as thus:—"by and with the consent of the major part of the said inhabitants so assembled as aforesaid, and also by and with the consent of J. P. Esquire, one of his majesty's justices of the peace for the said county, dwelling in the said parish of —," [or, "near to the said parishes or townships of —."]

Justices at sessions may order materials to be purchased, for the purpose of setting poor prisoners to work (g).

(g) 19 Car. 2. c. 4.

As to select vestries, see 59 Geo. 3. c. 12. As to parish vestries, see 58 Geo. 3. c. 69. 59 Geo. 3. c. 85 (r).

(r) And see *Wilson v. M'Math*, 3 B. & A. 241. ii. 35. *R. v. Woodman and others*, 4 B. & A. 507. ii. 36.

Order of relief.] No person shall be relieved, whose name is not in a list to be made by the parishioners in vestry, unless by order of justices of peace (s); nor by order, until oath first made (t). The order must be made by two justices, except in cases of emergency (u).

(s) 3 W. & M. c. 11. s. 11.

(t) 9 Geo. 1. c. 7. s. 1. 2. See *R. v. Winship and Greenwell*, Cald. 72, 5 Barr. 2677. ii. 30.

(u) 59 Geo. 3. c. 12. s. 5. *R. v. Woodsterton*, 2 Barnard. 207. 247. ii. 27. *R. v. Laughton*, 2 M. & S. 324. ii. 57. *R. v. North Shields*, Doug. 331. ii. 33.

* See the form of the oath, *infra* (7). See the form of the warrant thereon to summon the overseers, *infra* (8). See the form of the order for relief, *infra* (9); and see *R. v. Hyworth*, 1 Str. 10. ii. 38. *R. v. Fearnley*, 1 T. R. 320. ii. 41.

(7) Oath.

A. B. of —, in the parish of —, in the county of —, maketh oath, that he is very poor and impotent, and not able to provide for himself and his family, and that on — last he did apply for relief to the parishioners of the said parish, at a vestry [or, to the select vestry of the said parish, or other public] meeting, [or, to two

of the overseers of the poor of the said parish], and was by them refused to be relieved.

A. B.

Taken and made before me, one of his majesty's justices of the peace for the said county, the — day of —, I. N.

(8) Warrant thereon to summon the Overseer.

County of { To the constables of —, in the Parish to wit. } of —, in the said County, and to every of them.

Whereas A. B., of your parish, hath this day made oath before me —, one of his majesty's justices of the peace in and for the said county, that he, the said A. B., is very poor and impotent, and not able to provide for himself and his family; and that he the said A. B., did, on — last, apply to the parishioners of your said parish at a vestry [or other public] meeting [or, to A. B. and C. D., two of the overseers of the poor of the said parish, or, to the select vestry of

the said parish,] and was by them refused to be relieved; these are, therefore, to require you, in his said majesty's name, to summon two of the overseers of the poor of the said parish to appear before me on — next, at the house of —, in —, in the said county, at the hour of —, in the forenoon of the same day, to show cause why relief should not be given to the said A. B. And be you then there with this precept, to certify what you shall have done in the execution hereof.

Given under my hand and seal, the — day of —, in the year —.

There is no appeal against it (v).

(v) *R. v. North Shields*, Doug. 331. ii. 33. *R. v. JJ. of Devon*, 4 M. & S. 421. ii. 42,

If the overseer disobey it, he may be indicted.

See *Index*, tit. "Relief."

2. REMOVAL OF THE POOR.

In what cases.] If "poor people" come "from one parish to another," and "endeavour to settle themselves" in the latter parish (w), "in any tenement under the yearly value of 10*l.*," two justices "of the division where any [such] persons shall come to inhabit," may [if such persons become actually chargeable (x)], by their warrant, cause them to be removed and conveyed to the

(w) See *R. v. St. James's in Bury St. Edmonds*, 10 East, 25. ii. 59. *R. v. St. Lawrence Ludlow*, 4 B. & A. 660. ii. 43. *R. v. Birmingham*, 14 East, 251. ii. 44. *R. v. Grafton*, Set. & Rem. 16. ii. 45.

(x) 35 Geo. 3. c. 101. s. 1. See *R. v. Amphilh*, 2 B. & C. 847. ii. 46. *R. v. Kingswood*, Burr. 8. C. 392, ii. 47. *R. v. Hayder*, 2 Bott, 566. ii. 48. *R. v. Witham super montem*, 1 Str. 142, ii. 49, and see 8 & 9 W. 3. c. 30, s. 1.

(9) Order of Relief.

County of { To the Churchwardens
to wit. { and Overseers of the
Poor of the Parish of
—, in the said County.

Whereas A. B., of the parish of —, in the said county, hath made oath before us, [or, in a case of emergent and urgent distress, before me,] his majesty's justices of the peace for the said county, that he, the said A. B., is very poor and impotent, and not able to work, and that the said A. B. did, on — last, apply for relief to the parishioners of the said parish of —, at a vestry [or, public] meeting, [or, to A. B. and C. D., two of the overseers of the poor of the said parish, or, to the select vestry of the said parish,] and was by them refused to be relieved.

And whereas two of the overseers of the poor of the said parish have been duly summoned by us, [or, me,] to shew cause why relief should not be given to the said A. B., and have appeared before us, [or, me,] in pursuance of such summons, but have not, nor hath

either of them, shown any sufficient cause why such relief should not be given as aforesaid, [or, have made default to appear before us, or me, according to the said summons].

And whereas [stating the special cause of granting relief:] we, [or, I,] do therefore order the churchwardens and overseers of the poor of the said parish, or such of them to whom these presents shall come, to pay unto the said A. B. the sum of —, weekly and every week, for and towards his support and maintenance, for one month from the day of the date hereof, [or, in a case of emergency, for fourteen days, or, till the next petty sessions, to be holden at —, or, if the parish be under contract for lodging, keeping, and maintaining their poor, for three months from the day of the date hereof, unless sooner discontinued by our order.]

Given under our hands and seals, [or, under my hand and seal,] this — day of —, in the year of our Lord one thousand eight hundred and —.

parish where they were last legally settled (y), unless they give sufficient security for the discharge of the parish (z); and if they return without a certificate, and become again chargeable to the parish, they are punishable as vagabonds (a).

(y) See *R. v. Snalcliffe*, Cald. 248. ii. f0. *R. v. Saughton on the Hill*, 2 B. & A. 162. ii. 51. *R. v. Oakmere*, 5 B. & A. 775. ii. 52. *R. v. Merwall*, Burr. S. C. 661. ii. 53. *Bridewall v. Clerkenwell*, 2 Salk. 486. ii. 96. *R. v. Crowland*, 8 B. & C. 711. ii. 88. *Cowred's case*, Comb. 287. ii. 54. *R. v. St. Martin at Oak*, 16 East, 303. ii. 55. *R. v. Denham*, Burr. S. C. 35. ii. 91. *R. v. Tamworth*, Cald. 28. ii. 92.

(z) 13 & 14 Car. 2. c. 12. s. 1.

(a) 13 & 14 Car. 2. c. 12. s. 3. 5 Geo. 4. c. 83. s. 3. See *Mann v. Davers*, 8 B. & A. 103. ii. 93. *Baldwin v. Blackmore*, 1 Burr. 591. 596. ii. 56. *R. v. Elere Cole*, 2 Bott, 670. ii. 57. *R. v. Fillongley*, 2 T. R. 708. ii. 58. See the form of the information for returning after removal, *infra* (10); and of the commitment thereon, *infra* (11).

(10) Information for Returning after Removal.

Berkshire to wit:—Be it remembered, that on the — day of — in the year of our Lord — at the parish of C. in the county aforesaid, J. N. of — in the said county, one of the overseers of the poor for the said parish, cometh before me, J. P., one of his majesty's justices of the peace for the said county, and on his oath informeth me that A. B. of —, labourer, having heretofore, to wit, on the — day of —, in the year aforesaid, been legally removed, by the order of two justices of the peace, from the said parish of C. to the township of D. in the said county, did, on the — day of —, in the

year aforesaid, return to the said parish of C., and become chargeable to the said parish of C. from whence he had been so legally removed as aforesaid; and that the said A. B. hath not produced any certificate of the churchwardens or overseers of the poor of any other parish, township, or place, thereby acknowledging him to be settled in the same: contrary to the form of the statute in that case made and provided

A. B.
Taken and sworn before me, this
— day of —, 1830.

J. P.

(11) Commitment for Returning.

Berkshire:—To the constable of —, in the said county, and to the keeper of the house of correction at —, in the said county.

Whereas A. B., late of —, in the said county, labourer, was on this day duly convicted before me, J. P., one of his majesty's justices of the peace for the said county, of being an idle and disorderly person, that is to say, for that he, the said A. B. having heretofore, to wit, &c. [as in the above information, to the words], "contrary to the form of the statute in that case made and provided;" and that I, the said J. P., thereupon adjudged the said A. B. to be committed to the house of correction at —, there to be

kept to hard labour for the space of [one calendar month]: These are therefore to command you, the said constable of — aforesaid, to take the said A. B., and him safely to convey to the house of correction at — aforesaid, and there to deliver him to the said keeper thereof, together with this precept; and I do hereby command you, the said keeper of the said house of correction, to receive the said A. B. into the said house of correction, there to imprison him and keep him to hard labour for the space of [one calendar month]; and for your so doing this shall be your sufficient warrant.

Given under my hand and seal, at —, in the county aforesaid,

persons convicted of felony, persons deemed by law and vagabonds, idle or disorderly persons, persons lame and reputed thieves, not able to give satisfactory accounts of themselves or their way of living (*b*), convicted of vagrancy (*c*), and unmarried worthless child (*d*), shall be deemed actually chargeable.

Geo. 3. c. 101. s. 5. (c) 5 Geo. 4. c. 88. s. 20.
Geo. 3. c. 101. s. 6. See R. v. Great Yarmouth, 8 T. R. 68. ii.
Whitehaven, 5 B. & A. 720. ii. 62. R. v. St. Mary Westport,
. ii. 63. R. v. Holm East Waver, 11 East, 381. ii. 64.

whom to be removed (*e*), and when (*f*). The wardens or overseers of the parish to which paupers removed, must receive them (*g*).

Geo. 3. c. 170. s. 10
R. v. Llanwinio, 4 T. R. 473. ii. 59.
C. & M. c. 11. s. 10. See R. v. Davis, Say, 163. ii. 60.

persons residing on their own estates (*h*), even when purchased by themselves, and under the value (*i*), cannot be removed.

post, tit. "Settlement by Estate." (i) 9 Geo. 1. c. 7. s. 5.

can a wife be separated from her husband, unless with his consent (*k*), even although he be a foreigner, an Irish or Scotchman, and have no settlement (*l*); but if she is removed with him, if at all. But if she come into a parish, in which her husband does not reside, and become chargeable, she may be removed to the parish in which she is settled, whether her husband be there or not (*m*); or, if a married woman, in the absence of her husband, become pregnant of a child, when born, will be a bastard, she may be removed to the parish in which she was last settled, if she can be chargeable (*n*).

v. Eltham, 5 East, 113. ii. 65. See R. v. Aythorpe, Burr. S. C. 86. Leeds v. Backfordley, 1 W. Bl. 466, Burr. S. C. 524. ii. 67. Pickfield, Burr. S. C. 290. ii. 68.
v. Leeds, 4 B. & A. 498. ii. 69. R. v. Carleton, Burr. S. C. 813.
Michael's Bath, v. Nunney, 1 Str. 544, Burr. S. C. 815. ii. 71. Inaction, Burr. S. C. 153. ii. 72. See R. v. Higher Walton, Burr. S. C. 11. ii. 73. R. v. Ysphyty, 4 M. & S. 52. ii. 74.
v. Tibbenham, 9 East, 388. ii. 75.

— day of —, in the sovereign Lord King George the
year of the reign of our Fourth. J. P.

Forms of the Warrant and Conviction, see Archbold's "Commitments and Convictions," p. 343.

Nor can a child be removed from its mother, during nurture, that is, until the age of seven years, whether the child be illegitimate (*o*) or legitimate (*p*). But after that age, if the child alone become chargeable, it may be removed to its place of settlement, without removing the parents (*q*).

(*o*) *Skeffreth v. Walford*, 2 Scas. Ca. 90. ii. 76. *R. v. Hemlington*, Cald. 6. ii. 77.

(*p*) *Shermanbury v. Bolney*, Carth. 279. ii. 78.

(*q*) See *Wangford v. Brandon*, 2 Salk. 482, Burr. S. C. 3. ii. 79. *Cummer v. Milton*, 2 Salk. 523. ii. 80. See 59 Geo. 3. c. 12. s. 33. *R. v. Whitehaven*, 5 B. & A. 720. ii. 62.

Nor can servants be separated from their masters, whilst actually in their service (*r*), unless by mutual consent: or unless the master become chargeable, and have not gained a settlement in the parish, and the servant have. But if a master turn away his servant for just cause, and the servant become chargeable, as, for instance, if a master turn away his maid servant for being with child (*s*), she may then be removed to her place of settlement; but unless turned away, and chargeable, she cannot be removed, against her consent and his (*t*).

(*r*) *Farrington v. Witty*, 2 Salk. 527. ii. 81. *R. v. Osleworth*, Burr. S. C. 302. ii. 82.

(*s*) *R. v. Brampton*, Cald. 11. ii. 83; and see *R. v. Welford*, Cald. 57. ii. 84.

(*t*) *R. v. Alveley*, 3 East, 563. ii. 85.

If the pauper be a certificate-man, the parish to which he belongs shall pay the charges incurred in maintaining and removing him (*u*).

(*u*) 3 Geo. 2. c. 29. s. 9; and see 8 & 9 W. 3. c. 30. s. 1. See the form of an order of removal, &c. in case of certificate-men, *infra* (12).

(12) *Order of Removal of a Certificate-man.*

County of } To the Churchwardens and Overseers
Westmore- } of the Poor of the
land, to wit. } Parish of Orton, in the said County
of Westmoreland, and to the
Churchwardens and Overseers of
the poor of the Parish of Penrith,
in the County of Cumberland.

Whereas complaint hath been made by the churchwardens and overseers of the poor of the parish of Orton aforesaid, in the county of Westmoreland, unto us, whose names are herunto set, and seals affixed, being two of his majesty's justices of the peace in and for the

said county of Westmoreland, and one of us of the quorum, that John Thompson, Mary his wife, Thomas their son, aged eight years, and Agues, their daughter, aged four years, having for some time last past dwelt in the parish of Orton aforesaid, being allowed so to do by reason of a certificate; bearing date the — day of —, in the year of our Lord —, under the hands and seals of A. C. and B. C., churchwardens, and A. O. and B. O. overseers of the poor of the said parish of Penrith, attested by A. W. and B. W., two credible witnesses,

As to the removal of persons who have been soldiers, seamen, or militia-men, see 3 Geo. 3. c. 8; 42 Geo. 3. c. 69; 56 Geo. 3. c. 67 (*v*).

(*v*) See also 43 Geo. 3. c. 61. R. v. Gwenop, 3 T. R. 133. ii. 86.

And as to poor persons born in Ireland, Scotland, Man, Jersey or Guernsey, who have not gained a settlement in England: if they become chargeable, they may be passed, &c. as vagrants, and whipped or imprisoned or not, at discretion (*w*).

(*w*) 59 Geo. 3. c. 12. s. 33, 34. See R. v. Leeds, 4 B. & A. 498. ii. 69. R. v. Whitehaven, 5 B. & A. 720. ii. 62. R. v. Great Clacton, 3 B. & A. 410. ii. 87.

Order of removal.] Before the justices make an order of removal, they usually cause the pauper to be brought

and allowed by I. N. and S. G., esquires, two of his majesty's justices of the peace for the said county of Cumberland, (according to the directions of the several acts of Parliament in such case made and provided,) are become chargeable to the said parish of Orton: and whereas it appears to us, as well upon the oath of the said John Thompson as otherwise, that neither they, the said John Thompson, Mary his wife, and Thomas and Agnes their children, nor any of them, have gained any legal settlement since the date of the said certificate, whereby, and upon due consideration had of the premises, it appears to us, and we do hereby adjudge, that the said John Thompson, Mary his wife, and Thomas and Agnes their children, are become chargeable to the parish of Orton, and that the place of the last legal settlement of them, and every of them, is in the parish of Penrith, in the said county of Cumberland: these are therefore to require you, the said churchwardens and overseers of the poor of the said parish of Orton, or some or one of you, to convey the said John Thompson, Mary his wife, and

Thomas and Agnes their children, from and out of your said parish of Orton, to the said parish of Penrith, and them to deliver to the churchwardens and overseers of the poor there, or to some or one of them, together with this our order, or a true copy thereof, at the same time showing to them the original; and we do also hereby require you, the said churchwardens and overseers of the poor of the said parish of Penrith, to receive and provide for them as inhabitants of your parish. And we do also hereby order and direct you, the said churchwardens and overseers of the poor of the said parish of Penrith, to reimburse and pay unto the said churchwardens and overseers of the poor of the parish of Orton, the sum of —, being the amount of the reasonable charges that they, the said churchwardens and overseers of the parish of Orton, have been put unto in maintaining and removing the said —, ascertained and allowed by us, the said justices.

Given under our hands and seals, the — day of —, in the year of our Lord —.

before them, for the purpose of examining him as to his settlement (*x*).

(*z*) See the form of the warrant to bring up the pauper for examination, *infra* (18).

If by age, illness or infirmity, the pauper cannot attend, one justice may examine him, may report it to another acting for the same district, and then both make the order (*y*). Otherwise he must be examined by both justices jointly, and not separately (*z*), and by the same justices who make the order (*a*).

(*y*) 49 Geo. 3. c. 124. s. 4; and see 85 Geo. 3. c. 101. s. 2. *R. v. South Lynn, All Saints*, 4 M. & S. 354. ii. 94.

(*z*) *R. v. Coles, Burr. S. C.* 136. ii. 96. *R. v. Stotfold*, 4 T. R. 505, ii. 96. *R. v. Stanstead Mount Fitchet*, 2 Salk. 488. ii. 97; and see *R. v. Wykes, Andr.* 238. ii. 98.

(*a*) *R. v. Howarth*, 2 Bott, 640. ii. 99. *R. v. Coin St. Aldwins, Burr. S. C.* 136. ii. 100.

But although the justices have the power thus to examine the pauper (*b*), and it may be right to do so, or at least to have him brought before them in order that he himself may have an opportunity of objecting to the removal, if he think fit (*c*), yet it is not essential to the validity of the order, that he should be examined (*d*).

(*b*) See *R. v. Jackson and another*, 1 T. R. 653. ii. 101.

(*c*) See *R. v. Wykes, Andr.* 258. ii. 98.

(*d*) *R. v. Tavistock*, 3 D. & R. 427. ii. 102. *R. v. Bagworth, Cald.* 178. ii. 103.

The justices also sometimes grant a summons for the overseers of the parish to which it is intended to remove

(13) *Warrant to bring up the Pauper to be examined concerning his Settlement.*

County of ——. To ——. Forasmuch as complaint hath been made before us —, two of his majesty's justices of the peace in and for the said county, one of us being of the quorum, by the churchwardens and overseers of the poor of the parish of —, in the said county, that A. O. hath come to inhabit in the said parish, not having gained any settlement therein, and that the said A. O. is actually chargeable, [or, is an unmarried woman, and with child, which child is likely to be born a

bastard, and to be chargeable,] to the said parish of —: these are therefore to require you to bring the said A. O. before us, at the house of —, in —, in the said county, on —, the — day of —, at the hour of —, in the forenoon of the same day, to be examined concerning the place of his last legal settlement, and to be further dealt withal according to law.

Given under our hands and seals, the — day of —.

Removal of the Poor.

15

super, to shew cause against the order of removal (e). But it is optional with them, to grant the writs or not.

the form of this summons, *infra* (14).

the form of the order of removal, *infra* (15).

Summons to the Overseer of the Parish to which it is intended to remove the Pauper, to show Cause against the Order of Removal.

of } To the Churchwardens and Overseers of the Poor of the Parish of _____, in the County of _____, and to every of them.
to summon you, or some of you, to appear (if you shall so order), before _____, and his majesty's justices of the peace for the said county of _____, at the house of _____, in _____, in the said county of _____, on _____, the _____ day of _____, at the hour of _____, in the forenoon of the same day, to show cause why A. O. should not be removed from the parish of _____, in the said county of _____, to your said parish of _____.
Given under _____ hand and seal, this _____ day of _____, in the year of our Lord _____.

(15) Order of Removal.

of } To the Churchwardens and Overseers of the Poor of the Parish of _____, in the said County of Westmoreland, and to the Churchwardens and Overseers of the Poor of the Parish of Penrith, in the County of Cumberland, and to each and every of them:
the complaint of the churchwardens and overseers of the said parish of Orton aforesaid, in the said county of Westmoreland, unto us, whose names are subscribed unto, and seals affixed, in and for the said county of Westmoreland, one of the quorum, that John Thompson, Mary his wife, Thomas his son, aged eight years, and their daughter, aged four years, have come to inhabit in the said parish of Orton, not having any legal settlement there; that the said John Thompson, his wife, and Thomas and their children, are actually settled in the said parish of Orton, and, likewise, upon due consideration had of the premises, do adjudge the same to be true; and we do likewise adjudge, that the lawful settlement of them, the said John Thompson, Mary his wife, and Thomas and Agnes their children, is in the said parish of Penrith, in the county of Cumberland.
We do therefore require you, the churchwardens and overseers of the said parish of Orton, or some or one of you, to convey the said John Thompson, Mary his wife, and Thomas and Agnes their children, from and out of the parish of Orton, to the said parish of Penrith, and them to deliver to the churchwardens and overseers of the said parish of Penrith, to receive and provide for them as inhabitants of your parish.
and we do also hereby require you, the said churchwardens and overseers of the poor of the said parish of Penrith, to receive and provide for them as inhabitants of your parish.
Given under our hands and seals, the _____ day of _____, in the _____ year of the reign of his said majesty King George the Fourth.

It must be directed to the churchwardens and overseers of the removing parish (*f*), and of the parish to which the pauper is to be removed.

(*f*) *St. George's v. St. Olave's*, 2 Salk. 498. ii. 104; and see *R. v. Holbeck in Leeds*, Burr. S. C. 198. ii. 105.

It must be stated to be made by "two of his majesty's justices of the peace for the county," &c. in which the removing parish is situate (*g*), upon complaint (*h*) of the churchwardens and overseers of the removing parish (*i*), stating the counties, &c. in which the respective parishes are situate, with certainty (*k*).

(*g*) *Walton v. Chesterfield*, 5 Mod. 322. ii. 106. *R. v. Uplin*, Set. and Rem. 27. ii. 107. *R. v. Owlton*, 2 Salk. 474. ii. 108. *R. v. Stepney*, Burr. S. C. 23. ii. 109. *R. v. Moor Critchell*, 2 East, 66. ii. 110. *M. v. St. Mary's Leicester*, 1 B. & A. 327. ii. 111. *R. v. Bourn*, Burr. S. C. 43. ii. 112. *R. v. Southwold*, Burr. S. C. 143. ii. 113. *R. v. Andover*, Cald. 374. ii. 114. *R. v. Chilverscote*, 8 T. R. 178. ii. 115. *R. v. Great Chart*, Burr. S. C. 194. 2 Str. 1173. ii. 116. *Anon.* 2 Salk. 473. ii. 117. *Albrighton v. Skipton*, 1 Str. 300. ii. 118; and see 9 Geo. 1. c. 7. s. 3: 16 Geo. 2. c. 18; 26 Geo. 2. c. 27; 7 Geo. 3. c. 21; 28 Geo. 3. c. 40; 1 & 2 Geo. 4. c. 68, and Index, tit. "Justices;" and see *R. v. Bond*, 2 Show. 508. ii. 119.

(*h*) *R. v. Harely*, Andr. 361. ii. 120. *R. v. Stendish*, Burr. S. C. 194. ii. 121.

(*i*) *Western Rivers v. St. Peter's*, 2 Salk. 492. ii. 122. *Spalding v. St. John Baptist*, Fol. 267. ii. 123.

(*k*) *R. v. St. Stephenson*, 1 Barnard, 177. 196. ii. 124. *R. v. Bramshaw*, Burr. S. C. 98. ii. 125. *R. v. Topsham*, 7 East, 466. ii. 126. *R. v. Amnwich*, 4 B. & C. 757. ii. 127. *R. v. Eakring*, Burr. S. C. 321. ii. 128.

It must name the pauper (*l*), and each of his family removed with him (*m*); it must state the ages of the children (*n*), and, as to all above seven years old, must state that they have gained no settlement in their own right (*o*); and it must state that they have come to inhabit in the parish (*p*).

(*l*) *Southwell v. Needwell*, Set. and Rem. 57. ii. 129.

(*m*) *Beaton v. Sciason*, 1 Str. 114. ii. 130. *Flixton v. Royston*, 1 Sess. Ca. 11. ii. 131. *Johnson's case*, 2 Salk. 465. ii. 132; and see *R. v. Newington*, Set. and Rem. 45. ii. 133.

(*n*) *R. v. Trinity in Chester*, 2 Sess. Ca. 74. ii. 134. *R. v. Stanfield*, Burr. S. C. 210. ii. 135. *R. v. Normanton*, Burr. S. C. 213. ii. 136. *R. v. Uffculm*, Burr. S. C. 138. ii. 137.

(*o*) *R. v. Bowling*, Burr. S. C. 177. ii. 138.

(*p*) *R. v. Graffham*, Set. and Rem. 16. ii. 45.

It must contain an adjudication (*q*), first, that the pauper had become actually chargeable to the removing

(*q*) See *Stallingburgh v. Haxley*, 1 Sess. Ca. 131. ii. 139. *R. v. Fisher-ton Delamore*, 1 Sess. Ca. 45. ii. 140. See *R. v. Maulden*, 8 B. & C. 78. ii. 89.

arish (*r*), (which is usually done in the manner adopted in the form here given); and secondly, that his lawful settlement is in the parish to which he is ordered to be removed (*s*).

(*r*) *R. v. Minchinhampton*, 2 Sess. Ca. 98. ii. 141. *Suddlecomb v. Urwash*, 2 Salk. 491. ii. 142. *R. v. Waltham Magna*, Set. and Rem. 38. ii. 143. *R. v. Netherton*, Burr. S. C. 139. ii. 144. *R. v. Holm East Paver*, 11 East, 381. ii. 64. *R. v. Diddlebury*, 9 East, 398. ii. 145. *R. v. Lancaster*, Burr. S. C. 287. ii. 146. *R. v. Inskip with Sowerby*, 5 M. & S. 2, ii. 147. *St. Nicholas, Gloucester, v. St. Peter's, Bristol*, 2 Sess. Ca. 78. ii. 148. *R. v. Leofield*, 2 Str. 638. ii. 149. *R. v. Bourn, Burr. S. C. 39. ii. 112. R. v. Uffculm*, Burr. S. C. 138. ii. 137; and see 35 Geo. 3. 101. s. 1.

(*s*) *R. v. Westwood*, 1 Str. 73. ii. 150. *Bury v. Arundel*, 2 Salk. 479. ii. 11. *R. v. Warnhill*, 2 Sess. Ca. 92. ii. 152. *Egburn v. Hartley Wintley*, Sess. Ca. 45. ii. 153. *R. v. Middleham*, Pol. 271. ii. 154. *R. v. Mansfield*, Burr. S. C. 76. 2 Str. 1040. ii. 155. *R. v. Great Bedwin*, Burr. S. C. 11. ii. 156. *R. v. Holbeech*, Burr. S. C. 200. ii. 157. *R. v. Ysppyty, M. & S. 52. ii. 74. R. v. Bucklebury*, 1 T. R. 164. ii. 158. *R. v. St. Mary Ottery*, Set. and Rem. 32. ii. 159.

It should be dated (*t*).

(*t*) See *R. v. Brimpton*, 2 Smith, 277. ii. 160.

It must be under the hands and seals of the justices (*u*).

(*u*) See 13 & 14 C. 2. c. 12. s. 1. *R. v. Stotfold*, 4 T. R. 596. ii. 96. *v. Llanwinio*, 4 T. R. 478. ii. 161.

After obtaining an order of removal, the parish officers may, at any time, even after removal of the pauper, abandon it (*v*).

(*v*) *R. v. Llanrhydd*, Burr. S. C. 658. ii. 162. *R. v. Diddlebury*, 12 East, 30. ii. 163.

Suspension of order of removal.] If the pauper, by 'sickness or other infirmity,' be unable to travel without danger, the justice or justices making the order of removal [or any other justice or justices (*w*)], may suspend the same [not only as to the pauper, but as to his family also (*x*),] until the removal may be safely effected, such suspension and subsequent permission to be inrolled on the order; in the meantime no act of the pauper shall gain a settlement (*y*). Charges incurred by the parish during such suspension, to be paid by the parish

(*w*) 49 Geo. 3. c. 124. s. 1.

(*x*) 49 Geo. 3. c. 124. s. 3; and see *R. v. Englefield*, 13 East, 317. i. 164.

(*y*) 35 Geo. 3. c. 101. s. 2; and see *R. v. Everdon*, 9 East, 101. ii. 165. *R. v. St. Lawrence, Ludlow*, 4 B. & A. 660. ii. 43.

to which such pauper is ordered to be removed; if amount to 20*l.*, an appeal may be to the sessions (*s*)

(*z*) 36 Geo. 3. c. 101. s. 2. See *R. v. Chagford*, 4 B. & A. 235. *R. v. Kynaston*, 1 East, 117. ii. 167. *R. v. St. Mary le bone*, 13 Es. ii. 168. *R. v. Bradford*, 9 East, 36. ii. 169. *R. v. Alnwick*, 5 B. 184. ii. 170.

See the form of the indorsement, suspending the of removal, *infra* (16); and of the subsequent perm to remove, *infra* (17).

Care should be taken to serve the suspended within a reasonable time (*a*).

(*a*) *R. v. Lampeter*, 3 B. & C. 454. ii. 171.

(16) *Form of Suspension to be indorsed.*

Whereas it doth appear unto us, I. N. and S. G., the justices within named, that A. O., the pauper within ordered to be removed, is at present unable to travel, by reason of sickness and infirmity [or, that it would be dangerous for him so to do, as the case may be]: we do therefore hereby suspend the exe-

cution of the within order moval, until it shall be made unto us, that the same may be executed without danger.

Given under our hands, t day of ———.

(17) *Form of subsequent Permission.*

Whereas it is now made appear to us, I. N. and S. G., the justices aforesaid, and we are fully satisfied, that the within order of removal may be executed without danger: we do therefore hereby order the same to be forthwith put in execution accordingly. And whereas it is duly proved to us upon oath [if the pauper have died, say, that the said A. O., the pauper above named, is dead, and] that the sum of — hath been necessarily incurred by

the suspension of the withi of removal: we do therefor and direct the churchwarden and overseers of the poor of the of ———, to which parish A. O. is [was, if the pauper be ordered to be removed, to said sum of — to ———, u mand.

Given under our hands, t day of ———.

* * * This may be signed, either by the same justices who signed the sion, or by "any other justice or justices of the peace of the county jurisdiction within which the removal shall be made." 48 Geo. 3. c. 12

CHAPTER I.

APPEAL AGAINST AN ORDER OF REMOVAL.

"All persons who think themselves aggrieved" by an order of removal, (the parish, or even the pauper himself (*h*),) may appeal (*c*).

(*b*) *R. v. Hartfield*, Carth. 222. ii. 172.

(*c*) 13 & 14 Car. 2. c. 12. s. 2. 3 W. & M. c. 11, s. 9, 10.

The appeal must be to the sessions for the county, division, or riding, from which the removal was (*d*), and not to the sessions of a corporate town, &c. (*e*).

(*d*) 8 & 9 W. 3. c. 30. s. 6.

(*e*) *R. v. Wendover*, 2 Salk. 490. ii. 178. *R. v. Malden*, Set. & Rem. 10. ii. 174. *R. v. East Donyland*, Burr. S. C. 492. ii. 176. See 8 & 9 W. 3. c. 30. s. 8. 9 Geo. I. c. 7. s. 7.

It must be to the next (*f*) general or quarter sessions (*g*), that is, to the next practicable sessions after the removal (*h*); or after the service of the order, in cases where the order is suspended (*i*).

(*f*) 13 & 14 Car. 2. c. 12. s. 2. 3 W. & M. c. 11. s. 9.

(*g*) 8 & 9 W. 3. c. 30. s. 6. See *R. v. JJ. of Carmarthen*, 4 B. & A. 291. ii. 176. *R. v. JJ. of Sussex*, 7 T. R. 107. ii. 177. *R. v. JJ. of Surrey*, 1 M. & S. 479. ii. 183. *R. v. Polstead*, 2 Stra. 1263. ii. 184. *R. v. West Torrington*, Burr. S. C. 293. ii. 166.

(*h*) *R. v. JJ. of Flintshire*, 7 T. R. 200. ii. 178. *R. v. JJ. of Herefordshire*, 3 T. R. 504. ii. 179. *R. v. JJ. of the E. R. of Yorkshire*, Doug. 192. ii. 180. *R. v. JJ. of Essex*, 1 B. & A. 210. ii. 181. *R. v. JJ. of Wilts*, 2 Bott. 717. ii. 192. See *R. v. JJ. of the W. R. of Yorkshire*, 4 M. & S. 327. ii. 182. *R. v. JJ. of Surrey*, 1 M. & S. 479. ii. 183. *R. v. JJ. of Devonshire*, Cald. 32. ii. 186. *R. v. JJ. of Devon*, 8 B. & C. 640. ii. 187. *R. v. JJ. of Southampton*, 8 B. & C. 640. ii. 188. *R. v. JJ. of Kent*, 8 B. & C. 639. ii. 189.

(*i*) 49 Geo. 3. c. 124. s. 2; and see *R. v. St. Mary le bone*, 13 East, 51. ii. 168. *R. v. Alnwick*, 5 B. & A. 184. ii. 170.

Notice of Appeal.] "Reasonable" notice of appeal, (usually a week's notice), must be given to the "churchwardens or overseers" of the poor of the parish from which the pauper has been removed; and if it appear to

the justices at sessions that reasonable notice was not given, they shall adjourn the appeal to the next quarter sessions, and then finally determine the same (k).

(k) 2 Geo. I. c. 7. s. 8. See *R. v. JJ. of Wiltshire*, 10 East, 404. ii. 186. *R. v. Lambeth*, 3 D. & R. 340. ii. 191. *R. v. JJ. of Huntingdonshire*, Cald. 288. ii. 193. *R. v. JJ. of Lancashire*, 7 B. & C. 691. ii. 194. See the form of this notice, *infra* (l).

But the sessions are bound to receive the appeal at the next practicable sessions after the removal, even although no notice has been given (l). Hence the practice of moving the court of quarter sessions to enter and resume an appeal.

(l) *R. v. JJ. of Gloucestershire*, 1 Doug. 191. ii. 196. *R. v. JJ. of Staffordshire*, 7 East, 549. ii. 196. *R. v. Buckinghamshire*, 8 East, 342. ii. 197. See *R. v. JJ. of Kent*, 8 B. & C. 639. ii. 189. *R. v. JJ. of Devon*, 8 B. & C. 640. ii. 187. *R. v. JJ. of Southampton*, 8 B. & C. 641. ii. 188. *R. v. JJ. of Wilts*, 8 B. & C. 380. ii. 198. *R. v. JJ. of N. R. Yorkshire*, 3 T. R. 150. ii. 190. *R. v. JJ. of Norfolk*, 5 B. & A. 484. ii. 200.

Proceedings at the hearing.] The counsel for the respondent begins. He states his case, shewing the pauper to have been last settled in the appellant parish; and he then calls his witnesses to prove it. If he think that the counsel for the appellants will not call witnesses, (and which is frequently the case, particularly in cases where the pauper is a necessary witness for the respondents, and the appellant's case may be made out from his cross-examination), he states the defence, and endeavours by anticipation to confute it.

The counsel for the appellants then addresses the court, remarks upon the case stated and proved by the

(1) *Notice of Appeal.*

To the Churchwardens and Overseers of the Poor of the Parish of _____, in the County of _____,

This is to give notice to you, and every of you, that we, the churchwardens and overseers of the poor of the parish of _____, in the county of _____, do intend, at the next quarter sessions of the peace, to be holden for the said county of _____,

_____ , to commence and prosecute an appeal against an order of I. N. and S. G., esquires, two of his majesty's justices of the peace of the said county of _____, for and concerning the removal of _____, to our said parish of _____, Witness our hands, this _____ day of _____.

Witness,

{

A. B. } Churchwardens.
C. D. }
E. F. } Overseers of the Poor.
G. H. }

respondents, states his case, and either shows that it is already proved from the cross-examination of the respondent's witnesses, or calls fresh witnesses to prove it.

If the counsel for the appellants call fresh witnesses to prove his case, the counsel for the respondents may reply. Or if the appellants, admitting the *prima facie* case made out on the part of the respondents, set up a subsequent settlement of the pauper in some other parish, the respondents may call witnesses to disprove it; and in that case the counsel for the appellants has a right again to address the court, (confining his observations however to the testimony of the witnesses so called by the respondents,) and then the respondents' counsel shall have the general reply.

As to the evidence for either party, that being a material part of this subject, we shall consider it separately under the next head.

It may be necessary to state, that no objection can be made for want of form: for all defects of form shall be amended by the justices, without costs; and after such amendment, they shall proceed to examine the truth and merits of the case (*m*).

(*m*) 5 Geo. 2. c. 19. s. 1. See *R. v. Chilverscoton*, 8 T. R. 178. ii. 115. *R. v. Harrow on the Hill*, 2 Bott, 706. ii. 201. *R. v. Great Bedwin*, 2 Str. 1158, Burr. S. C. 163. ii. 202; and see Lord Kenyon's observations on this statute, in *R. v. Moor Chitchell*, 2 East, 66.

It may be necessary to state, also, that all provisions in respect to gaining settlements, contained in local acts, are repealed by stat. 54 Geo. 3. c. 170. s. 1.

No bill of exceptions will lie (*n*).

(*n*) *R. v. Preston upon the Hill*, Burr. S. C. 77. 2 Str. 1040. ii. 203.

Judgment.] The sessions cannot make an original order, but must either quash or affirm (*o*). If the justices be divided in opinion, the case must be adjourned until the next sessions (*p*). None of the justices, however,

(*o*) *R. v. Bond*, 2 Show. 503. ii. 119. *R. v. Oswell and Working*, 2 Salk. 472. ii. 204. *R. v. Milverton*, 7 Mod. 10. ii. 205.

(*p*) *Bodmin v. Warlingen*, 2 Bott, 726. ii. 206; and see *R. v. JJ. of Monmouthshire*, 8 B. & C. 137. ii. 207. *R. v. JJ. of Buckinghamshire*, 6 D. & R. 142. ii. 208. *R. v. JJ. of Westmoreland*, 2 Sess. Ca. 193. ii. 209. *R. v. JJ. of Leicestershire*, 1 M. & S. 442. ii. 210. *R. v. King's Langley*, 2 Salk. 606. Comb. 365. ii. 211.

who are rated in either of the contending parishes, can vote (*g*). The sessions are not bound to state the reasons of their judgment (*r*). They may alter it, at any time during the sessions (*s*).

(*g*) 16 Geo. 2. c. 18. s. 3. R. v. Yarpole, 4 T. R. 71. ii. 212. R. v. Gudderidge, 8 D. & R. 217. ii. 213.

(*r*) South Cadbury v. Braddon, 2 Salk. 607. ii. 214.

(*s*) Battersea v. Westham, 5 Mod. 398. ii. 215. St. Andrews, Holborn, v. St. Clement Danes, 2 Salk. 494. ii. 216.

One sessions cannot quash the order of a former sessions (*t*); it must be quashed, if at all, by the court of King's Bench, for some objections appearing upon the face of it, or reviewed by the King's Bench upon a case stated, this last being the only mode in which that court will enter into the merits of the case.

(*t*) R. v. Cuckfield, 2 Salk. 477. ii. 217: but see Road v. North Bradley, 2 Str. 1166. ii. 218.

If the sessions affirm the order, the pauper of course remains in the parish to which he was removed; but if they quash the order, the pauper may be sent back to the respondent parish, by order of two justices of the county in which the appellant parish is situate (*u*).

(*u*) Honiton v. South Beverton, Comb. 401. ii. 219.

Certiorari.] Although the sessions do not grant a special case, the appellant parish may, nevertheless, bring both the order of justices and the order of sessions under the review of the court of King's Bench, by *certiorari*, for defects appearing upon the face of them (*v*). Six days previous notice of the intended application for the *certiorari*, must be given to the justices (or two of them, if so many) who made the order (*w*); a recognizance with sureties must be entered into for costs, &c., as directed by stat. 5 Geo. 2. c. 19. s. 2 (*x*); then, upon getting a motion paper (indorsed—the King v. the Appellant parish, “to move for a *certiorari*”) signed by counsel, your clerk in court will sue out the writ.

(*v*) See R. v. JJ. of Moumouthshire, 8 B. & C. 137. ii. 207. R. v. Stanley, Cald. 172. ii. 220.

(*w*) 13 Geo. 2. c. 18. s. 5. R. v. JJ. of Sussex, 1 M. & S. 631. ii. 221.

(*x*) 5 Geo. 2. c. 19. s. 2.

All this must be done within six calendar months after the first day of the sessions which confirmed the order,

or after the original order made, if it be intended to impugn that (y).

(y) 13 Geo. 2. c. 18. s. 5. See *R. v. JJ. of Sussex*, 1 M. & S. 681. ii. 221.

When the *certiorari* is returned, you may move to quash one or both of the orders.

If the first order be good, and the sessions have confirmed it, of course the Court of King's Bench will confirm the order of sessions; or even if the sessions have reversed it, the Court of King's Bench will affirm the order of sessions, for they will intend that it was reversed upon the merits.

If the first order be bad, and the sessions have confirmed it, the court will quash both orders; but if the sessions have reversed it, the court will confirm the order of sessions (x).

(x) *South Cadbury v. Braddon*, 2 Salk. 667. ii. 214.

Special Case.] The sessions are not bound to state a special case (a).

(a) *R. v. Oulton*, Burr. S. C. 64. ii. 222.

If they do grant it, however, it is first drawn up by the counsel for the party on whose application it was granted, settled by the counsel for the opposite party, and (if altered by him) sent back to the counsel who drew it, to have his concurrence in the alterations. If they cannot agree, the magistrate who acted as chairman of the quarter sessions upon the trial of the appeal, will settle and sign it; after which, it cannot be altered by the parties, even by consent.

The case, like a special verdict, must state facts, and not merely evidence of facts (b); and if fraud form any part of the case, it must be expressly stated, for the Court of King's Bench will not imply it (c).

(b) See *R. v. Seacroft*, 2 M. & S. 472. ii. 223.

(c) *R. v. Preston*, Burr. S. C. 69. ii. 224.

When the case is settled, move for a *certiorari*, after having given notice of motion, &c., as directed *ante*, p. 22; sue out the writ, and deliver it to the clerk of the peace, and it will be returned accordingly, together with

24 *Appeal against an Order of Removal.*

the order and special case. Your clerk in court will then have it set down in the crown paper for argument.

When called on for argument, it is first argued by the counsel in support of the order of sessions, and then by the counsel for the opposite party. There is no reply.

The court then deliver their opinion, and quash or affirm the order of sessions accordingly (*d*).

(*d*) See *R. v. Roeliston*, 8 B. & C. 668. ii. 225. *R. v. St. Andrew, Cambridge*, 8 B. & C. 664. ii. 226. *R. v. St. Martin, Leicester*, 8 B. & C. 674. ii. 227.

If the case be insufficiently stated, the Court of King's Bench may send it back to the sessions to be re-stated; and the sessions may thereupon hear fresh evidence, or restate the case upon the former evidence, as may be necessary (*e*).

(*e*) *R. v. Bray*, Burr. S. C. 682. ii. 228. See *R. v. Page*, 2 Bott, 721. ii. 229. *R. v. Middlezoy*, 2 T. R. 41. ii. 230. *R. v. Lushington*, Burr. S. C. 232. ii. 231.

Costs and Maintenance.] The justices at sessions, "upon any appeal before them there to be had for or concerning the settlement of any poor person, or upon any proof before them there to be made of notice of any such appeal to have been given by the proper officer to the churchwardens or overseers of the poor of any parish or place (although they did not afterwards prosecute such appeal)", shall order to the party in whose behalf such appeal is determined, or to whom such notice was given, such costs as they in their discretion shall think just and reasonable (*f*).

(*f*) 8 & 9 W. 3. c. 30. s. 3. See *R. v. JJ. of the county of Nottingham*, 1 Sess. Ca. 422. ii. 232.

If the appeal be determined in favour of the appellants, the justices may order and award to them so much money as shall appear to have been reasonably paid by them towards the relief of the pauper, between the time of the removal, and the determination of the appeal (*g*).

(*g*) 9 Geo. 1. c. 7. s. 9. See *St. Mary, Nottingham, v. Kirklington*, 2 Sess. Ca. 67. ii. 233. *R. v. Great Chart*, Burr. S. C. 194. ii. 116. *R. v. JJ. of Norfolk*, 5 B. & A. 484. ii. 200.

EVIDENCE.

Before we consider the evidence particularly, it may be well to attend to the following general observations :

The pauper is a competent witness for either party ; and (according to the practice of some courts of quarter sessions) the appellants are bound to produce him.

A parishioner is a competent witness for or against his parish, whether rated or holding office or not, and whether maintained by the parish or not ; and this, in almost all cases (*h*).

(*h*) 54 Geo. 3. c. 170. s. 9.

Neither hearsay evidence of the declaration of the pauper, nor the *ex parte* examination of him upon oath, taken in writing by the magistrates, relative to his settlement, are admissible evidence of such settlement, although the pauper die or abscond before the appeal (*i*).

(*i*) *R. v. Ferry Frystone*, 2 East, 54. ii. 234. *R. v. Abergwilly*, 2 East, 5. ii. 235. *R. v. Nuneham Courtney*, 1 East, 373. ii. 236 ; and see *R. v. Maswell*, 3 T. R. 767. ii. 237. *R. v. St. Sepulchre's*, 2 Bott, 362. ii. 238.

But in the case of a soldier, having a wife or child, any justice of the peace may summon him before him, in the place where he is billeted, and take his examination in writing, upon oath, touching the place of his last legal settlement ; and such justice shall give an attested copy of such examination to the person so examined, to be by him delivered to his commanding officer ; which said examination and attested copy shall be admitted in evidence as to such settlement, before any justice or sessions, although such soldier be dead or absent from the kingdom (*k*). And the same, as to officers, soldiers and marines, setting up trades (*l*).

(*k*) 10 Geo. 4. c. 6. s. 68 (Mutiny Act). 3 Geo. 3. c. 8. s. 2, 3. See *R. v. Clayton le Moors*, 5 T. R. 704. ii. 239. *R. v. Bilton with Harrowgate*, 1 East, 13. ii. 240. *R. v. Warminster*, 3 B. & A. 121. ii. 241. *R. v. Wareley*, 6 T. R. 534. ii. 242.

(*l*) 56 Geo. 3. c. 67. s. 2. 3 Geo. 3. c. 8. s. 2. 3.

Except also, partly, in the cases of prisoners : any justice of the peace may take, in writing, the examination

on oath of any person having a wife or child, who shall be a prisoner in any gaol or house of correction, or who shall be in custody of any peace officer by virtue of a warrant of commitment, touching the place of his last legal settlement; and such examination shall be signed by such justice, and shall be received in evidence as to such settlement before any justices, for the purpose of any order of removal, so long only as the person so examined shall continue a prisoner (m).

(m) 59 Geo. 3. c. 12. s. 28.

In all other cases, the same rules of evidence must be observed upon the trial of an appeal, as in other cases (n).

(n) See *R. v. Rawden*, 8 B. & C. 708. ii. 243.

Evidence that a pauper is settled in A., is *prima facie* evidence that it was his last legal settlement.

The evidence on the part of the appellant and respondent, is much the same, the latter proving that the pauper was legally settled in the appellant parish, the former that he was not so settled, or (which is the same thing) that he was subsequently settled elsewhere. This is proved on both sides, either by admissions, positive or implied, or by direct evidence of the settlement; and in this order, we shall now consider the evidence necessary upon an appeal.

I. By Admissions.

1. *Certificates*: A certificate is a written acknowledgment by the churchwardens and overseers, that a particular person is legally settled in their parish (o). See the form, *infra* (2).

(o) See *R. v. St. Ives*, 2 Sess. Ca. 153. ii. 244. *R. v. Helperton*, Barr. S. C. 227. ii. 245.

It must be under the hands and seals of the church-

(2) Certificate and Allowance.

To the Churchwardens and Overseers of the Poor of the Parish of _____, in the County of _____, We, the churchwardens and overseers of the poor of the parish of _____, in the county of _____, do hereby certify, own, and acknowledge that A. L., yeoman, is an inhabitant legally settled in our parish of _____ aforesaid. In wit-

wardens and overseers of the poor of the certifying parish, or the major part of them (*p*); or, where a parish contains many townships, &c. each maintaining its own poor, then under the hands and seals of the overseers of the township, and the persons acting as churchwardens of the same, (although really sworn in as churchwardens of the entire parish,) or the major part of them (*q*); or under the hands and seals of two persons, acting or purporting to act in the double capacity of churchwardens and overseers (*r*); or under the hands and seals of the overseers only, where there are no churchwardens (*s*).

(*p*) 8 & 9 W. 3. c. 30. s. 1. See 1 & 2 Geo. 4. c. 32. s. 1. 13 & 14 C. 2. s. 12. s. 3. R. v. Tamworth, Burr. S. C. 770. ii. 246. R. v. Margam, 1 T. R. 778. ii. 247. R. v. Wymondham, 6 T. R. 552. ii. 248. R. v. Whitchurch, 7 B. & C. 578. ii. 249. R. v. Austrey, 1 Phil. Ev. 453. ii. 250. R. v. Catesby, 2 B. & C. 814. ii. 251. R. v. St. Margaret, Leicester, 8 East, 332. ii. 252. R. v. Clifton, 2 East, 168. ii. 253.

(*q*) 54 Geo. 3. c. 107. s. 1, 2. See R. v. Samborn, 3 T. R. 609. ii. 254.

(*r*) 51 Geo. 3. c. 80. s. 1. (*s*) 8 & 9 W. 3. c. 30. s. 1.

It must be attested by two or more credible witnesses (*r*), one of whom shall make oath, before the justices who allow the certificate, that the overseers, &c. signed and sealed the same in his presence; and this oath being certified by the justices upon such certificate, the certificate shall be received in evidence without further proof (*u*).

(*r*) 8 & 9 W. 3. c. 30. s. 1. See R. v. Boston, 1 Str. 94. ii. 255. Barleycroft v. Coleoverton, 8 Str. 402. ii. 256. R. v. Ashton Keynes, Burr. S. C. 728. ii. 257.

(*u*) 3 Geo. 2. c. 29. s. 8. See R. v. Farrington, 2 T. R. 466. ii. 258. R. v. St. Maurice, Burr. S. C. 296. ii. 259. R. v. Ryton, 5 T. R. 259. ii. 260. R. v. Debenham, 2 B. & A. 186. ii. 261. R. v. Netherthong, 2 M. & S. 337. ii. 262. R. v. Stanley cum Wrenthorpe, 15 East, 350. ii. 263.

news whereof we have hereunto set of ———, in the year of our Lord
our hands and seals, the ——— day

Attested by A. W.
B. W.

A. B. } Churchwardens.
C. D. }
E. F. } Overseers of the Poor.
G. H. }

We, J. P. and K. P., esquires, two of his majesty's justices of the peace in and for the said county of ———, do allow of the above-written certificate. And we do also certify, that A. W., one of the witnesses who attested the same, hath this day made oath before us, the said justices, that he, the said A. W., did see the churchwardens and overseers of the poor of the parish

of ——— aforesaid, whose names and seals are hereunto subscribed and set, severally sign and seal the same; and that the names of A. W. and B. W., who are the witnesses attesting the said certificate, are respectively of their own proper hands' writing.

Given under our hands, this — day of ———.

It must be allowed by two justices of the county, &c. in which the certifying parish is situate (v).

(v) 8 & 9 W. 3. c. 30. s. 1. See *R. v. Wooton*, 5 Burr. 581. ii. 264.

It must be directed to the churchwardens and overseers of the parish in which the party is going to reside (w); and must contain an acknowledgment that the persons therein mentioned, are inhabitants legally settled in the certifying parish (x).

(w) See *R. v. St. Nicholas in Harwich*, Burr. S. C. 171. ii. 265. *R. v. Lillington*, 1 East, 438. ii. 266.

(x) See 8 & 9 W. 3. c. 30. s. 1. 13 & 14 Car. 2. c. 12. s. 3. And see *R. v. St. Mary*, Westport, 3 T. R. 44. ii. 68.

This certificate is an admission by the parish granting it, that the pauper at the time was legally settled in that parish, (whether the pauper deliver the certificate before removal or not (y),) and of all the other facts stated in it (z). But it is conclusive only as between the certifying parish, and the parish to which the certificate is directed (a); nor does it in any manner prevent the certifying parish from proving a subsequent settlement in a third parish (b).

(y) *R. v. Buckingham*, Cald. 64. ii. 267. See *R. v. Wensley*, 5 T. R. 154. ii. 268.

(z) See *New Windsor v. White Waltham*, Str. 186. ii. 269. *R. v. Hadcorn*, Burr. S. C. 253. ii. 270. *R. v. Ipsley*, Burr. S. C. 650. ii. 271. *R. v. Tostock*, 2 Bott, 581. ii. 272. And see *R. v. Mathon*, 7 T. R. 563. ii. 273. *R. v. Ullesthorpe*, 8 T. R. 465. ii. 274.

(a) *All Saints v. St. Giles*, 2 Salk. 530. ii. 275. *R. v. Lubbenham*, 47. R. 251. ii. 276. *R. v. Bishopside*, Burr. S. C. 381. ii. 277.

(b) *Harrison v. Lewis*, 3 Salk. 253. ii. 278. *R. v. Petham*, 2 Str. 116. ii. 279. *R. v. Horsley*, Burr. S. C. 385. ii. 280.

And it is an admission, not only that the pauper was at the time settled in the certifying parish, but that it continued to be his place of settlement until he gained some other settlement, or the certificate was otherwise discharged (c). And here it may be necessary to observe, that although a certificate-man may gain a settlement in

(c) See *R. v. Warblington*, 1 T. R. 241. ii. 281. *R. v. Sudbury*, Burr. S. C. 373. ii. 282. *R. v. Taunton St. Mary Magdalen*, Burr. S. C. 402. ii. 283. *R. v. Frampton-upon-Severn*, Doug. 417. ii. 284. *R. v. Keel*, Cald. 144. ii. 285. *R. v. St. Michael's in Coventry*, 5 T. R. 526. ii. 286. *R. v. Spotland*, Burr. S. C. 527. ii. 287. *R. v. Newington*, 1 T. R. 354. ii. 288. *R. v. Wymondham*, 6 T. R. 552. ii. 248. *R. v. Birdham*, 2 Bott, 607. ii. 289. *R. v. St. Peter in Derby*, 1 T. R. 218. ii. 290. *R. v. Ingworth*, 8 T. R. 339. ii. 291. *R. v. Findern*, 2 Bott, 582. 606. ii. 292. *R. v. Heath*, 5 T. R. 583. ii. 293. *R. v. Morley*, 2 M. and S. 417. ii. 294.

a third parish (*d*), he cannot gain a settlement in the parish to which the certificate is directed (*e*), by any act of his own (*f*), except by renting a tenement of the annual value of 10*l.* (*g*), or by executing an annual office (*h*); nor can his yearly servant or apprentice (*i*).

(*d*) See *R. v. Petham*, 2 Str. 1147. ii. 279. *Harrison v. Lewis*, 3 Salk. 288. ii. 278. *R. v. Horsley*, Burr. S. C. 886. ii. 280.

(*e*) 13 & 14 Car. 2 c. 12, s. 3.

(*f*) *R. v. Great Driffeld*, 8 B. and C. 684. ii. 296. See *Burclear v. Eastwoodhay*, 1 Str. 163; Burr. S. C. 221. ii. 296. *Ivinghoe v. Stonebridge*, 1 Str. 266. ii. 297. *R. v. Stanfield*, Burr. S. C. 205. ii. 135. *R. v. Deddington*, Str. 1198. ii. 298. *R. v. Cold Ashton*, Burr. S. C. 444. ii. 299. *R. v. Shenstone*, Burr. S. C. 468. ii. 300. *R. v. Wivelingham*, Doug. 767. ii. 301. *R. v. Stapleford*, 2 Bott, 114. ii. 302.

(*g*) 9 & 10 W. 3. c. 11. See *R. v. Findern*, 2 Bott, 582. 605. ii. 292.

(*h*) 9 & 10 W. 3. c. 11. See *R. v. St. Mary, Berkhamstead*, 2 Str. 942. ii. 303. *R. v. Melborne*, Burr. S. C. 244. ii. 304.

(*i*) 12 Anne, st. 1. c. 18. s. 2. And see *R. v. Hinkley*, 4 T. R. 371. ii. 306.

The certificate extends, not only to the pauper and his wife (*k*), but to his children (whether born before or after it (*l*)), so long as they continue a part of his family (*m*); or if the children be named in the certificate, they will continue under its operation, even after they are emancipated, and become heads of families (*n*). But it does not extend to a child intentionally omitted in it (*o*); and the parties may in other respects narrow the extent of it.

(*k*) See *R. v. Hampton*, 5 T. R. 266. ii. 306.

(*l*) *R. v. Sherborne*, Burr. S. C. 182. ii. 307. *R. v. Bray*, Burr. S. C. 259. ii. 308. *R. v. Letchdale*, Burr. S. C. 380. ii. 309.

(*m*) *R. v. Darlington*, 4 T. R. 797. ii. 310. *R. v. Bugden*, 1 Wils. 183. ii. 311. *R. v. Thwaites*, 1 M. & S. 669. ii. 312. *R. v. Mortlake*, 6 East, 306. ii. 313. *R. v. Alfreton*, 7 T. R. 471. ii. 314. And see *Wingham v. Sellings*, Burr. S. C. 225. ii. 471.

(*n*) *R. v. Testerton*, 5 T. R. 258. ii. 315. See *R. v. Batheaston*, 8 T. R. 446. ii. 316. But see *R. v. Leek Wootton*, 16 East, 118. ii. 317.

(*o*) *R. v. Storrington*, 7 T. R. 133. ii. 318.

As to the removal of certificate-men, see 8 & 9 W. 3. c. 30. s. 1 (*p*).

(*p*) And see 13 & 14 Car. 2. c. 12. s. 3. *R. v. Hayder*, 2 Bott, 566. ii. 48. *Little Kire v. Woodfall*, 2 Salk. 580. ii. 319. *R. v. St. Martin at Oak*, 16 East, 308. ii. 55.

2. Relief: Relieving the pauper or his family, resident in another parish, is evidence (though not conclusive) of a settlement in that parish which gives the relief (*q*).

(*q*) *R. v. Wakefield*, 5 East, 335. ii. 320. *R. v. Stanley cum Wreathorpe*, 15 East, 350. ii. 263. *R. v. Edwinstowe*, 8 B. & C. 671.

But relieving a pauper resident in the parish, is no evi-

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dence of a settlement in that parish (*r*), even although done often (*s*).

(*r*) *R. v. Chadderton*, 2 East, 27. ii. 322.

(*s*) *R. v. Chatham*, 8 East, 498. ii. 323.

3. Order of removal unappealed against: If a former order, valid and acted upon (*t*), be not appealed against, it is conclusive evidence of the pauper's being then legally settled in the parish to which he has been removed (*u*), and of all the other facts stated in the order (*v*); and not only as to the party removed, but also as to all future derivative settlements (*w*), where the children, &c. have not acquired a settlement elsewhere (*x*). And it is thus conclusive, not only between the original parishes (*y*), but others also (*z*).

(*t*) *R. v. Chilverscoton*, 8 T. R. 178. ii. 115. *R. v. Llanrhydd*, Burr. S. C. 653. ii. 162. *R. v. Swalcliffe*, 2 Bott, 678. ii. 324. *R. v. Fillingham*, 2 T. R. 709. ii. 58.

(*u*) *Spitalfields v. Bromley*, 2 Bott, 671. ii. 325. *R. v. Silchester*, Burr. S. C. 561. ii. 326. *R. v. Kenilworth*, 2 T. R. 598. ii. 327. *Maleandine v. Hunsdon*, Fol. 273. ii. 328. *Chalbury v. Chipping Farringdon*, 2 Salk. 486. ii. 329. *R. v. Leverington*, Burr. S. C. 276. ii. 330. *R. v. Beckwith*, Burr. S. C. 168. ii. 331. *R. v. Towcester*, 2 Bott, 679. ii. 332. See *R. v. Leigh*, Doug. 46. Cald. 59. ii. 333. *R. v. Rudgeley*, 8 T. R. 620. ii. 334. (*v*) *R. v. Woodchester*, Burr. S. C. 191, 2 Str. 1172. ii. 335. *R. v. Hunsdon*, Cald. 42. ii. 336. *R. v. North Featherston*, 1 Sess. Ca. 154. ii. 337. *R. v. Binegar*, 7 East, 377. ii. 338.

(*w*) *R. v. St. Mary, Lambeth*, 6 T. R. 615. ii. 339. *R. v. Southwark*, 1 T. R. 353. ii. 340.

(*x*) *R. v. Catterall*, 6 M. & S. 83. ii. 341.

(*y*) See *R. v. Kirby Stephen*, 2 Bott, 675. Burr. S. C. 664. ii. 342.

(*z*) *R. v. Corsham*, 11 East, 886. ii. 343. *R. v. Ealing*, 2 Bott, 678. ii. 344. *Alderton v. Felington*, 2 Bott, 691. ii. 345.

II. *By Direct Evidence of the Settlement.*

1. *Former Order appealed against, and confirmed or quashed.*

If an order of removal be confirmed upon appeal, it is conclusive evidence of the then place of settlement, as between the appellant parish and all others (*a*), but not as between other parishes (*b*). If quashed, it is conclusive only between the parties (*c*), provided the decision be

(*a*) *Harrow v. Ryslip*, 2 Salk. 524. ii. 346. *Little Bitham v. Somerby*, 1 Str. 232. ii. 347. *Mynton v. Stoney Stratford*, 2 Salk. 527. ii. 348. See *R. v. Saratt*, Burr. S. C. 73. ii. 349.

(*b*) See *Harrow v. Ryslip*, 2 Salk. 524. ii. 346.

(*c*) *R. v. Bishopswalton*, Fol. 275. ii. 350. *Cirencester v. Coln St. Aldwins*, Burr. S. C. 17. ii. 351. *St. Michael's, Beddington, v. Kingston Bowsey*, 2 Salk. 486. ii. 352. *Foston v. Carleton*, 1 Str. 567. ii. 353. *R. v. Bentley*, Burr. S. C. 425. ii. 354. *R. v. Leigh*, Doug. 46. Cald. 59. ii. 355. See *R. v. Brandenham*, Burr. S. C. 394. ii. 355.

upon the point of settlement (*d*); and therefore, if quashed for want of form, it is not conclusive (*e*).

(*d*) *R. v. Osgathorpe*, Burr. S. C. 261. ii. 356. *R. v. Knaptoft*, 2 B. & C. 223. ii. 357. *R. v. Wheelock*, 5 B. & C. 511. ii. 358. See *Mungerhunger v. Warden*, Set. & Rem. 160. ii. 359.

(*e*) *R. v. St. Andrew*, Holborn, 6 T. R. 613. ii. 360. *R. v. Peuge*, Nol. 176. ii. 361.

2. SETTLEMENT BY BIRTH.

1. As to legitimate children: their place of birth (*f*), or first known place of abode (*g*), may be deemed *prima facie* their place of settlement. This, however, is the case only until the parish find the father's place of settlement (*h*); if they never find that, or if he have none, then the last place of settlement of the mother shall be the settlement of the child (*i*); or if neither the father nor the mother have a settlement, or their settlement be not known, the place of the birth or abode, as above mentioned, is conclusive (*k*). But a legitimate child born whilst its parents are residing under a certificate (*l*), or born whilst its mother is a prisoner, or in a lying-in hospital (*m*), is not settled where it is born; so if the mother, at the time of the birth, were confined in the workhouse of an incorporated district, the child shall be deemed to be born in the parish from which the mother was sent (*n*).

(*f*) *R. v. Woodford*, 2 Bott, 17. ii. 362. *R. v. Heaton Norris*, 6 T. R. 653. ii. 363. *R. v. Whitley*, 2 Bott, 18. ii. 364. *Whitechapel v. Stepney*, Carth. 433. ii. 365. *Spitalfields v. St. Andrew*, Holborn, Fort. 307. ii. 366. *R. v. Luckington*, Comb. 380. ii. 367.

(*g*) *Anon. Dalton*, 168. 2 Bott, 16. ii. 368. But see *R. v. Trowbridge*, 7 B. and C. 252. ii. 369.

(*h*) *Cripplegate v. St. Saviour's*, Fol. 265. ii. 370. *R. v. St. Giles's*, 1 Sess. Ca. 18. ii. 371.

(*i*) See *post*, p. 36; and see *Shadwell v. St. John's*, Wapping, Burr. S. C. 122. ci. ii. 372. *Tynton v. King's Norton*, 2 Bott, 31. ii. 373.

(*k*) See *Cripplegate v. St. Saviour's*, Fol. 265. ii. 370, *supra*.

(*l*) See *ante*, p. 29.

(*m*) 54 Geo. 3. c. 170. s. 2.

(*n*) 54 Geo. 3. c. 170. s. 3.

See stat. 59 Geo. 3. c. 12. s. 33, as to paupers, &c. born in Scotland or Ireland, or in the isles of Man, Jer-

sey or Guernsey (who have not obtained a settlement), and their families, when chargeable (*o*).

(*o*) See *R. v. Carleton*, Burr. S. C. 813. ii. 70. *R. v. Eltham*, 5 East, 113. ii. 65. *R. v. Great Clacton*, 3 B. and A. 410. ii. 67. *R. v. Leach*, 4 B. and A. 408. ii. 69. *R. v. Whitehaven*, 5 B. and A. 720. ii. 62.

2. As to bastards: the general rule is, that their place of birth is their place of settlement (*p*). But if a woman be delivered of a bastard in another parish than that in which she is settled, by collusion or fraud (*q*), or if, after order of removal of the mother, and before removal, the bastard be born (*r*), or be born whilst removing (*s*), or after removal, and the order be afterwards quashed upon appeal (*t*), or be born whilst the mother is in prison (*u*), or in a lying-in hospital (*v*), or in a poor-house or house of industry for incorporated districts, &c. (*w*); in these cases the bastard shall not be deemed to be settled in the parish in which it is born, but in the place of the mother's settlement, &c. (*x*). A bastard born in an extra-parochial place, has no settlement by birth or parentage (*y*).

(*p*) *Whitechapel v. Stepney*, Carth. 433. ii. 365. *R. v. Spitalfields*, Ld. Raym. 567. ii. 374. *R. v. St. Peter's Worcestershire*, Burr. S. C. 81. ii. 375. *R. v. Lubbenham*, 4 T. R. 251. ii. 276. *R. v. Astley*, 2 Bort. ii. 376.

(*q*) *Tewkesbury v. Twining*, Bulst. 349. ii. 377. *R. v. Landinabee*, St. 476. ii. 378. See *Masters v. Child*, 3 Salk. 66. ii. 379.

(*r*) *R. v. Icleford*, 1 Sess. Ca. 32. ii. 380. 35 Geo. 3. c. 101. s. 6.

(*s*) *R. v. Jane Grey*, Set. and Rem. 41. ii. 381.

(*t*) *Westbury v. Coston*, 2 Salk. 532. ii. 382. *Boreham v. Waltham*, Carth. 397. ii. 383. *Much Waltham v. Peram*, 2 Salk. 474. ii. 384.

(*u*) 54 Geo. 3. c. 170. s. 2; and see *Suckley v. Whithorn*, 2 Bulst. 358. ii. 385. *Elsing v. Hereford*, 1 Sess. Ca. 39. ii. 386.

(*v*) 13 Geo. 3. c. 82. s. 5, 9. 54 Geo. 3. c. 170. s. 2. See *R. v. Manchester*, 4 B. and A. 504. ii. 387.

(*w*) 54 Geo. 3. c. 170. s. 3. 20 Geo. 3. c. 136. s. 2. 22 Geo. 3. c. 38. s. 39. See *R. v. St. Peter's*, Cald. 213. ii. 388.

(*x*) See the several authorities above referred to.

(*y*) *R. v. St. Nicholas, Leicester*, 2 B. and C. 889. ii. 389.

A bastard born whilst the mother resides in another parish under a certificate, is settled where born (*x*), unless the certificate undertake to provide for the woman and her child, she being then pregnant (*a*).

(*z*) *R. v. Hilton*, Burr. S. C. 187, 2 Str. 1168. ii. 390. *R. v. Mathes*, 7 T. R. 362. ii. 273.

(*a*) *R. v. Ipsley*, Burr. S. C. 650. ii. 271. See *R. v. Wyke*, Burr. S. C. 264. ii. 391.

A bastard however cannot be removed to a different settlement from its mother, whilst a nurse child, that is,

until seven years of age (*b*), but if chargeable, the parish where it is settled shall furnish the mother with means for its support (*c*).

(*b*) *Skeffeth v. Walford*, 2 Sess. Ca. 89. ii. 76. See *R. v. Bucklebury*, 1 T. R. 164. ii. 188.

(*c*) *Darlington v. Hemlington*, 2 Bott. 9. Cald. 6. ii. 77. *Simpson v. Johnson*, 1 Doug. 7. ii. 392. *Shermanbury v. Bolney*, Carth. 279. ii. 78.

The place of birth will be sufficiently proved, by an examined copy of the register of baptism, and by evidence of identity (*d*); or it may be proved by any person who knows the fact.

(*d*) *R. v. Creech St. Michael's*, Burr. S. C. 765. ii. 393.

And, to establish the fact of legitimacy or bastardy, the following observations on the evidence necessary to prove marriage, birth, legitimacy, and bastardy, must be attended to.

Marriage in England (except between Quakers or Jews), is by banns or license: by banns, persons of any age may be married; by license, those only who are of age, unless they have the consent of father, guardian, or mother, &c. (*e*). Banns or license, by the names by which the parties are known, although not their true names, will be sufficient (*f*). But it is not necessary, in order to prove a marriage, to prove every particular requisite solemnity to have been observed (*g*); it is sufficient to prove the marriage in fact, either by one of the parties, or by some other person who was present at the solemnization (*h*), or by the production of an examined copy of the registry, and such evidence of identity (such as the hand-writing of the parties to the register, their paying the bell-ringers, giving a wedding-dinner, or the like), as may satisfy the court (*i*): in which case the court will presume that every other necessary solemnity has been

(*e*) See the Marriage Acts, 4 Geo. 4. c. 76. 5 Geo. 4. c. 32. 6 Geo. 4. c. 32. See *R. v. Preston*, Burr. S. C. 436. 1 W. Bl. 192. ii. 394. *R. v. Hodnett*, 1 T. R. 96. ii. 395. *Horne v. Lidiard*, 1 Nol. P. L. 266. ii. 396. *Priestley v. Hughes*, 11 East, 1. ii. 397. But see *R. v. Birmingham*, 5 B. & C. 29. ii. 398. As to marriages previous to the old Marriage Act, see *R. v. Luffington*, Burr. S. C. 232. ii. 399.

(*f*) *R. v. Burton-upon-Trent*, 3 M. & S. 537. ii. 400. *R. v. Billingshurst*, 3 M. & S. 250. ii. 401. *R. v. St. Faith's, Newton*, 3 D. & R. 348. ii. 402.

(*g*) *St. Devereux v. Much Dewchurch*, Burr. S. C. 506. 1 W. Bl. 367. ii. 403. See *Morris v. Miller*, 4 Burr. 2057. 1 W. Bl. 632. ii. 404.

(*h*) See *Goodright v. Moss*, Cowp. 591. ii. 405.

(*i*) Bull. N. P. 27, 28. 1 Phil. Ev. 4th ed. 403.

observed; and it will then rest with the other party to rebut the presumption, by proving that no banns were published (*k*), or the like. So, an order of removal, stating B. to be the wife of A., if unappealed against, is conclusive evidence of the marriage (*l*). So, if a certificate state B. to be the wife of A., the legality of the marriage cannot afterwards be controverted by the certifying parish, as between that parish and the parish to which the certificate is directed (*m*). Even cohabiting together as man and wife, for any considerable length of time, is deemed sufficient presumptive evidence of a marriage, in settlement cases, so as to throw the onus of proof to the contrary on the opposite party (*n*).

(*k*) *Standen v. Standen*, Peak. N. P. C. 32. ii. 406.

(*l*) *R. v. Binegar*, 7 East, 377. ii. 338. *R. v. Woodchester*, Burr. S. C. 191. 2 Str. 1172. ii. 335. *R. v. North Featherston*, 1 Sess. Ca. 154. ii. 327. *R. v. Silchester*, Burr. S. C. 551. ii. 326. *R. v. Beckawell*, Burr. S. C. 168. 2 Bott, 69. ii. 331.

(*m*) *R. v. Headcorn*, 2 Bott, 70. ii. 270. *R. v. Ullesthorpe*, 8 T. R. 468. ii. 274.

(*n*) See *R. v. Stockland*, Burr. S. C. 508. ii. 467.

Marriage in Scotland, even between English subjects who go there for the purpose (*o*), being merely a civil contract, is proved either by express evidence of the contract, or by evidence of the admission of it by both parties, or presumptively by cohabitation and being reputed man and wife (*p*).

(*o*) *Crompton v. Bearcroft*, Bull. N. P. 113. ii. 408.

(*p*) See *Dalrymple v. Dalrymple*, Haggard's Reports, 54. ii. 409. *Iliderton v. Iliderton*, 2 H. Bl. 145. ii. 410.

Marriage in a foreign country, if good by the laws of the country, is valid here (*q*); and, upon proof of a marriage *de facto*, the court will presume it to have been legal, unless the contrary be shewn (*r*).

(*q*) *Lacon v. Higgins*, 3 Stark. 178. ii. 411.

(*r*) *R. v. Brampton*, 10 East, 282. ii. 412.

The marriage may be impeached, by proving that either of the parties was previously married, and that the first wife or husband was living at the time of the second marriage (*s*).

(*s*) See *Westbrooke v. Stratville*, 1 Str. 79. ii. 413. *R. v. Twining*, 2 B. & A. 386. ii. 414.

Birth may be proved by an examined copy of the

register, and proof of identity, or by the parol evidence of any person knowing the fact. The time of baptism will also appear from the register, and from that the time of birth may generally be implied; or the time of birth may be proved by the parents, or by any other person who can swear to the fact. The place of birth, also, may be proved by any person who can swear to the fact; but the hearsay evidence of the declarations of the parents upon the subject, is not admissible (*s*).

(*s*) *R. v. Erith*, 8 East, 539. ii. 415.

That the child was legitimate, is proved by proving the marriage of its parents; which may be proved by the parents themselves (*t*), or by the register, &c. in the ordinary way, as already mentioned (*u*).

(*t*) See *Goodright v. Moss*, Cowp. 591. ii. 405.

(*u*) *Idem*, p. 33.

That the child was illegitimate, is proved by proving that the mother was unmarried at the time of the birth, and during the usual period of gestation previously to it. The father or mother may prove that they were never married, or the illegality of their marriage (*v*); or admitting the marriage, may prove the child to have been born before it (*w*). But they shall not be admitted to prove non-access after marriage (*x*); although the wife may prove her connexion with other men (*y*).

(*v*) *Henley v. Chesham*, 2 Bott, 75. ii. 416. *R. v. St. Peter's*, in *Worcestershire*, Burr. S. C. 26. ii. 375. *R. v. Bramley*, 6 T. R. 330. ii. 417.

(*w*) *Goodright v. Moss*, Cowp. 591. ii. 405.

(*x*) *R. v. Kea*, 11 East, 132. ii. 418.

(*y*) *R. v. Luffe*, 8 East, 193. ii. 419.

3. SETTLEMENT BY PARENTAGE.

The father's last place of settlement, is the settlement of such of his children as have not been emancipated, or gained a settlement for themselves (*z*); and therefore

(*z*) *Cummer v. Milton*, 2 Salk. 528. 6 Mod. 87. ii. 80. *Coxwell v. Shillingford*, Fort. 313. ii. 420. *St. Giles*, Reading, v. *Eversley*, *Blackwater*, Str. 560. ii. 421. *R. v. Ironacton*, Burr. S. C. 153. ii. 72. *R. v. Salford*, Burr. S. C. 516. ii. 422. *Hard's case*, 2 Salk. 427. ii. 423. *Sowton v. Sydney*, 2 Sess. Ca. 150. ii. 424.

proof of the settlement of the father, is *prima facie* evidence of the place of settlement of his son (*a*); and this, although before the birth of the son, the father die (*b*), or be attaint (*c*).

(*a*) *R. v. Stone*, 6 T. R. 56. ii. 425.

(*b*) *R. v. Clifton*, 19 Vin. Abr. 362. ii. 426.

(*c*) *R. v. St. Mary*, in Cardigan, 6 T. R. 116. ii. 427; and see *R. v. Hadenham*, 15 East, 468. ii. 428.

But if the father's settlement be unknown, or he have none, (as if he be an Irishman, Scotchman, or a foreigner, and have not acquired a settlement), the last place of settlement of the wife, shall be that of the children until emancipated (*d*); but not if the husband have a settlement, and that settlement be known (*e*).

(*d*) *R. v. St. Botolph's*, Burr. S. C. 367. ii. 429. *Tynton v. King's Norton*, 2 Bott, 31. ii. 373. *R. v. St. Paul's*, Shadwell, 2 Sess. Ca. 113. ii. 430. *St. Giles's v. St. Margaret's*, Fol. 251. ii. 431. *R. v. St. Matthew*, Bethnal Green, Burr. S. C. 482. ii. 432. See *R. v. Cottingham*, 7 B. and C. 615. ii. 433. *R. v. Eltham*, 5 East, 113. ii. 65.

(*e*) *Berkhamstead v. St. Mary*, North Church, 2 Bott, 33. ii. 434.

So, if the husband die, and the widow acquire another settlement in her own right, that settlement is communicated to her children unemancipated (*f*). But if she marry a second husband, and thereby acquire another settlement, such settlement is not communicated to her children by her former husband, but they retain the same settlement their mother had at the time of her second marriage (*g*).

(*f*) *St. George's v. St. Catherine's*, Ld. Raym. 1474. ii. 435. *R. v. Woodend*, Ld. Raym. 1473. ii. 436. *R. v. Barton Turf*, Burr. S. C. 40. ii. 437. *R. v. Oulton*, Burr. S. C. 64. ii. 222. *R. v. Long Wittenham*, 2 Bott, 38. ii. 438.

(*g*) *Wrangford v. Brandon*, Carth. 449. 2 Salk. 482. Burr. S. C. 3. ii. 79. *R. v. St. Giles's in the Fields*, 2 Bott, 31. Burr. S. C. 2. ii. 439. *R. v. Saxmundham*, 2 Bott, 22. ii. 440.

Children under seven years of age, shall not be removed from their parents, but shall go with them for nurture; and the parish where the children are legally settled, shall relieve them in the parish where the parents are settled (*h*).

(*h*) *Wrangford v. Brandon*, Carth. 449. 2 Salk. 482. Burr. S. C. 3. ii. 79. *Skeffeth v. Walford*, 2 Sess. Ca. 89. ii. 76. *R. v. Bucklebury*, 1 T. R. 164. ii. 168. *Darlington v. Hemlington*, 2 Bott, 9. Cald. 6. ii. 77. *Simpson v. Johnson*, 1 Doug. 7. ii. 392. *Shermandbury v. Bolney*, Carth. 279. ii. 78.

As to emancipation: Whilst a child resides with his parents, whether he be of the age of twenty-one or not, he shall not be deemed to be emancipated (*i*), unless he be married (*k*), or have gained a settlement in his own right (*l*); or even if he live separate from his parents, still he shall not be deemed emancipated, until he have attained the age of twenty-one (*m*), or have married (*n*), or have gained a settlement in his own right (*o*), or have contracted some other relation which is inconsistent with the idea of his being in a subordinate situation in his father's family (*p*). Until seven years of age, a child cannot be emancipated, whether he live with his parents or not; for until then he cannot acquire a settlement (*q*). So, between the age of seven and twenty-one, although he live separate from his parents, and support himself by his labour (*r*), or be hired out to others by his father, and his father receive his wages (*s*), or be supported by his relations (*t*), or by the parish (*u*), he is not emancipated, unless he be married, or have acquired a settlement in his own right, &c. &c., as above mentioned. So, by serving as an apprentice to a certificate-man (*v*), or under a void indenture (*w*), a child is not emancipated (*x*); but by serving any other person, and thereby gaining a settlement, he is (*x*). If, however, after the age of twenty-one, the child permanently separate from his parents, he is emancipated (*y*); or if he be separated from them before twenty-one, and continue so until he

(i) See *R. v. Sowerby*, 2 East, 276. ii. 441.

(k) *R. v. Overton*, 1 East, 526. ii. 442.

(l) *R. v. Bleasby*, 8 B. and A. 377. ii. 443. *R. v. New Forest*, 5 T. R. 478. ii. 444.

(m) *R. v. Lytchet Matraverse*, 7 B. and C. 226. ii. 445. *R. v. Lawford*, 8 B. and C. 271. ii. 446.

(n) *St. Michael's*, in *Norwich*, v. *St. Matthew's*, in *Ipswich*, 2 Bott, 40. ii. 447. *Eastwoodhey v. Westwoodhey*, Str. 438. ii. 448. *Bugden v. Ampthill*, Burr. S. C. 270. ii. 449.

(o) *R. v. Cold Ashton*, Burr. S. C. 444. ii. 299. *R. v. Collingbourne Ducis*, 4 T. R. 199. ii. 450.

(p) *Per Ld. Kenyon*, *R. v. Witton cum Twambrookes*, 3 T. R. 355. ii. 451.

(q) *Dumbleton v. Beckford*, 2 Salk. 470. ii. 452.

(r) *R. v. Wilmington*, 5 B. and A. 525. ii. 453.

(s) *R. v. Stretton*, 2 Bott, 47. ii. 454.

(t) *R. v. Offchurch*, 3 T. R. 114. ii. 455. *R. v. Tottington Lower End*, Cald. 284. ii. 456. *R. v. Uckfield*, 5 M. and S. 214. ii. 457.

(u) *R. v. Broadhembury*, 2 Bott, 49. ii. 458.

(v) *R. v. Huggate*, 2 B. and A. 582. ii. 459. *R. v. Hardwicke*, 11 East, 578. ii. 460.

(w) *R. v. Edgworth*, 3 T. R. 353. ii. 461.

(x) *R. v. Sutton*, 1 Wils. 184. ii. 462; but see *R. v. Halifax*, Burr. S. C. 806. ii. 463.

(y) *R. v. Roach*, 2 Bott, 57. ii. 464.

arrive at that age, he is then emancipated (*s*). So, if a child enlist in the king's service (*a*), and continue in the service until after he is twenty-one (*b*), he is emancipated. So, if he be drawn in the militia, and continue to serve in it until after he is twenty-one, he is emancipated (*c*); but when a son served in the militia with the consent of his father, who was a serjeant in the same regiment, and lived with his father during the time he served, and his father received his pay, it was holden that he was not emancipated (*d*).

(*s*) R. v. Cowhoneyborne, 10 East, 88. ii. 465.

(*a*) R. v. Walpole, St. Peter's, Burr. S. C. 638. ii. 466. R. v. Stanwix, 5 T. R. 670. ii. 467.

(*b*) R. v. Rotherfield Greys, 1 B. and C. 345. ii. 468.

(*c*) R. v. Hardwick, 5 B. and A. 176. ii. 469.

(*d*) R. v. Woburn, 8 T. R. 479. ii. 470.

Before emancipation, the child follows the settlement of the parent; after emancipation, he retains the settlement his parent had at the time of the emancipation, until he afterwards acquire a settlement in his own right (*e*).

(*e*) See the authorities above cited.

4. SETTLEMENT BY MARRIAGE.

If a woman marry a man who hath a known settlement, she thereby acquires it as her settlement, whether she had a settlement before or not; and the same, as to any new settlement he may have acquired until his death; and this, whether she have ever lived with him in his place of settlement or not (*f*). During the marriage she cannot acquire any settlement in her own right, distinct from his (*g*). After his death, she retains his last settlement, until she acquire a new one.

(*f*) St. Giles v. Eversley, 2 Sess. Ca. 116. ii. 421. See *Appotens v. Dunswell*, 2 Bott. 80 (nom. Uphottery v. Dunksweil, Set. and Rem. 89. 1 Sess. Ca. 80), ii. 472. *contra*.

(*g*) See R. v. Aythorp Rooding, Burr. S. C. 412. ii. 66.

If, however, a woman marry a man who hath no settlement (*h*), or whose settlement is unknown (*i*), she still retains her maiden settlement. She cannot, indeed, be removed to it, so as to separate her from her husband, without his consent (*k*); nor even with his consent, if he be an Irishman or Scotchman (*l*), or born in either of the isles of Man, Jersey or Guernsey, but if removed at all she must be passed with him to his country (*l*). But if she alone come into and become chargeable to a parish, in which her husband does not reside (*m*), or if he desert her, and she become chargeable (*n*), or if he die, and she become chargeable (*o*), she and her children may then be removed to the place of her maiden settlement.

(*h*) See *R. v. Eastbourne*, 4 East, 103. ii. 473.

(*i*) *R. v. Westerham*, 2 Bott, 88. (nom. *Westerham v. Chiddinstone*, Fol. 252. *R. v. Chiddinstone*, Str. 683.) ii. 474. *R. v. Ryton*, Cald. 39. ii. 475. *R. v. Hensingham*, Cald. 206. ii. 476. *R. v. Harberton*, 13 East, 311. ii. 477.

(*k*) *R. v. Eltham*, 5 East, 113. ii. 65. *R. v. Carleton*, Burr. S. C. 813. ii. 70.

(*l*) *R. v. Leeds*, 4 B. and A. 498. ii. 69. 59 Geo. 3. c. 12. s. 23. See *Stretford v. Norton*, 2 Sess. Ca. 185. Burr. S. C. 122. ii. 478. *Appotens v. Dunsford*, 1 Sess. Ca. 80. 2 Bott, 80. Set and Rem. 89. ii. 472; and see *R. v. Cottingham*, 7 B. and C. 615. ii. 433, and *ante*, p. 11.

(*m*) See *St. Michael's*, in *Bath v. Nunney*, Str. 544. ii. 71. *R. v. Ironacton*, Burr. S. C. 153. ii. 72. *R. v. Higher Walton*, Burr. S. C. 162. ii. 73.

(*n*) *R. v. Cottingham*, 7 B. and C. 615. ii. 433. See *R. v. Hinaworth*, Cald. 42. ii. 336. *R. v. Leigh*, Doug. 46. Cald. 59. ii. 333. *Dunsford v. Wilsborough Green*, Fol. 249. Gilb. Rep. 97. 2 Bott, 82. ii. 479. *R. v. St. Botolph, Bishopsgate*, Burr. S. C. 367. ii. 429.

(*o*) See *Appotens v. Dunsford*, 1 Sess. Ca. 80. ii. 472. *R. v. Ryton*, Cald. 39. ii. 475. *St. Giles's v. St. Margaret's*, 1 Sess. Ca. 104. ii. 481.

In the case of a removal of a wife, without her husband, therefore, it will be a sufficient *prima facie* case, upon appeal, to prove her maiden settlement (*p*); for that must be deemed to be her settlement, until it be proved that she has acquired another (*q*).

(*p*) *R. v. Woodsford*, Cald. 236. 2 Bott, 17. ii. 362. *R. v. Hedsor*, Cald. 371. ii. 460. *R. v. Ryton*, Cald. 39. ii. 475.

(*q*) *R. v. Harberton*, 13 East, 311. ii. 477.

If overseers or others, by fraud or contrivance, procure a female pauper of their parish to be married to a pauper of another parish, in order to relieve their parish from the liability to maintain her: this, although it may subject the persons guilty of this fraud or contrivance to punishment, will not affect the settlement, nor prevent

the female pauper from acquiring the settlement of her husband by the marriage (*r*).

(*r*) *R. v. Edwards*, 8 Mod. 320. ii. 481. *R. v. Watson and Perrot*, 1 Wils. 41. ii. 482. *R. v. Tarant*, 1 Salk. 174. 2 Bott. 74. ii. 483. *R. v. Smith*, 2 Bott. 76. ii. 484. *R. v. Parkins*, 1 Sess. Ca. 76. ii. 485.

As to the validity of the marriage, see *ante*, p. 33—35.

5. SETTLEMENT BY HIRING AND SERVICE.

“If any unmarried person, not having child or children, shall be lawfully hired into any parish or town for one year, such service shall be adjudged and deemed a good settlement therein (*s*):” provided such person shall continue and abide in the same service during the space of one whole year (*t*), and provided he have resided in the parish forty days (*u*), and provided the master be not a certificate-man (*v*), nor the servant a certificate-man in that parish (*w*).

(*s*) 3 W. and M. c. 11. s. 7. (t) 8 and 9 W. 3. c. 30. s. 4.
(*u*) See 13 and 14 C. 2. c. 12. s. 1. (v) 12 Ann. st. 1. c. 18. s. 2.
(*w*) 9 and 10 W. 3. c. 11. 13 and 14 C. 2. c. 12. s. 3. See *ante*, p. 28.
29; and see *R. v. Buckingham*, Burr. S. C. 314. ii. 488. and *R. v. Sherborne*, Burr. S. C. 182. ii. 307. *R. v. Bray*, Burr. S. C. 259. ii. 308. *R. v. Testerton*, 5 T. R. 258. ii. 315. *R. v. Horsley*, Burr. S. C. 385. ii. 286. *R. v. Great Torrington*, Burr. S. C. 428. ii. 486. *R. v. Kensham*, Burr. S. C. 429. ii. 487. *R. v. Collingbourne Ducis*, 4 T. R. 199. ii. 450. *R. v. Frampton upon Severn*, 2 Doug. 417. ii. 284.

If any unmarried person, not having child or children.]

A widow or widower is an unmarried person within the meaning of this act, if they have no children. Or even if they have children, but the children be emancipated at the time of the contract, they are within the statute (*x*); but if unemancipated, not (*y*). So if a married man enter into a conditional contract for hiring, and before the happening of the condition his wife die, and he then enter into the service and serve his year, he thereby gains a

(*x*) *Anthony v. Cardigan*, Fort. 309. ii. 488. *R. v. Cowhoneyborne*, 10 East, 88. ii. 465. See, as to emancipation, *ante*, p. 37.

(*y*) *R. v. New Forest*, 5 T. R. 478. ii. 444. *R. v. Uckfield*, 5 M. and S. 214. ii. 457.

settlement (z). So, on the other hand, if an unmarried man contract unconditionally to serve for a year, and marry before he actually enter into the service, he is within the statute, and gains a settlement (a). So if a married man hire for a year, and during the year his wife die, and he afterwards continue to serve another year, he gains a settlement by the service in the latter year (b). And in all cases, if the servant be unmarried at the time of the hiring, his marriage afterwards during the year, will not affect his settlement (c).

- (z) *R. v. Bank Newton*, Burr. S. C. 455. ii. 439.
 (a) *R. v. Allendale*, 3 T. R. 382. ii. 490. *R. v. Stannington*, 3 T. R. 385. ii. 491.
 (b) *R. v. Hensingham*, Cald. 206. ii. 476.
 (c) *Farrington v. Witty*, Salk. 527. ii. 82. *R. v. Clent*, Fol. 148. ii. 492. *R. v. Sutton*, 2 Sess. Ca. 133. ii. 493.

Shall be lawfully hired.] There must be a contract of hiring, either express (d), or to be implied from the nature of the service under it, or from other circumstances (e). Even where there is an express hiring for part of a year, another hiring at the end of that time may be presumed to have taken place, from a continuance of service for a year or more after the expiration of the first contract (f). But if it appear from evidence that there was in fact no hiring at all, this of course rebuts the presumption of a hiring (g). Or if the relation between the parties were that of teacher and scholar merely, and not that of master and servant, this rebuts the presumption of a hiring from a service (h). Or if it appear that the pauper was kept from motives of charity merely, and without wages, this will rebut the presumption (i). So,

- (d) See *Gregory Stoke v. Pitminster*, 2 Bott, 179. 2 Sess. Ca. 120. ii. 494.
 (e) *R. v. Lyth*, 5 T. R. 327. ii. 495. *R. v. Tyrley*, 4 B. and A. 624. ii. 496. *R. v. Pendleton*, 15 East, 449. ii. 497. *R. v. Holy Trinity*, in Wareham, Cald. 141. ii. 498.
 (f) *R. v. Long Whatton*, 5 T. R. 447. ii. 499; and See *R. v. Hales*, 6 T. R. 668. ii. 500. See *R. v. Sow*, 1 B. and A. 178. ii. 501.
 (g) *R. v. Thames Ditton*, Cald. 516. 2 Bott, 182. ii. 502. *R. v. St. Matthew*, Ipswich, 3 T. R. 449. ii. 503.
 (h) *R. v. Walton*, Carth. 400. ii. 504. *R. v. St. Mary's, Kidwelly*, 2 B. and C. 750. ii. 505. *R. v. Combe*, 8 B. and C. 82. ii. 506. *R. v. Bilborough*, 1 B. and A. 115. ii. 507. See *R. v. Hitcham*, Burr. S. C. 489. ii. 508. *R. v. Little Bolton*, Cald. 367. ii. 509. *R. v. Coltishall*, 5 T. R. 198. ii. 510. *R. v. Burbach*, 1 M. and S. 370. ii. 511. *R. v. Shinfield*, 14 East, 541. ii. 512. *R. v. Eccleston*, 2 East, 298. ii. 513.
 (i) *R. v. Weyhill*, Burr. S. C. 491. 1 W. Bl. 206. ii. 514. *R. v. Rickingall*, 7 East, 873. ii. 515. See *R. v. Christ's Parish, York*, 3 B. and C. 488. ii. 516.

if the pauper were in the relation of child, &c. to the person he served, that circumstance will rebut any presumption of a hiring implied merely from the service (*k*); and hence the necessity of proof of an express contract of hiring, in such a case, to confer a settlement (*l*).

(*k*) *R. v. St. Mary, Guildford*, Cald. 521. 2 Bott, 184. ii. 517. *R. v. Stokesley*, 6 T. R. 757. ii. 518. See *R. v. Sow*, 1 B. and A. 178. ii. 501.

(*l*) *Gregory Stoke v. Pitminster*, 2 Bott, 179. 2 Sess. Ca. 120. ii. 496. See *Missenden v. Chesham*, 2 Bott, 173. *Foley*, 142. ii. 519. *R. v. Chertsey*, 2 T. R. 87. ii. 520. *R. v. Chillesford*, and *R. v. Winslow*, 4 B. and C. 94. ii. 521.

The contract of hiring must have been, or be presumed to have been, attended with those requisites which constitute a valid contract. For instance, the parties must have been able to contract; and therefore a deserter (*m*), or even a soldier with the consent of his officer (*n*), cannot gain a settlement by hiring and service, not being *juris*. An infant, however, if above the age of seven years (*o*), may gain such a settlement (*p*), even by a hiring and service with his father (*q*). So may a Scotchman, Irishman, or foreigner, gain a settlement in this country by hiring and service (*r*). By stat. 13 Geo. 2. c. 29. s. 7. no person shall gain a settlement by a hiring and service in the Foundling Hospital; by stat. 9 Geo. 3. c. 31. s. 8. no person employed as a hired servant in the Magdalen Hospital, shall thereby gain a settlement; and lastly, by stat. 52 Geo. 3. c. 72. s. 8. no person shall, by a residence in Alice Holt Forest, or by hiring and service either for preservation of the woods or the game in the said forest, gain any settlement in the parish of Binstead.

(*m*) *R. v. Norton*, 9 East, 206. ii. 522.

(*n*) *R. v. Beaulieu*, 3 M. and S. 229. ii. 523; and see *R. v. Holsworthy*, 6 B. and C. 773. ii. 524.

(*o*) See *ante*, p. 37.

(*p*) See *R. v. Mountsorrel*, 3 M. and S. 497. ii. 525. *R. v. Eaking*, Burr. S. C. 320. ii. 128. *R. v. Wincaunton*, Burr. S. C. 299. ii. 526.

(*q*) *R. v. Chillesford*, and *R. v. Winslow*, 4 B. and C. 94. ii. 521.

(*r*) See *R. v. Eastbourne*, 4 East, 103. ii. 478. *St. Giles's v. St. Margaret's*, 1 Sess. Ca. 97. Fol. 251. ii. 434.

And not only must the parties to the contract have been able to contract, but they must have been willing to contract, and the contract must have been their voluntary act; and therefore a pauper, hired out by the parish officers into another parish, cannot gain a settlement

Settlement by Hiring and Service. 43

service under such a hiring (*s*); though if a poor man hires himself out, he will (*t*).

Stowmarket, 9 East, 211. ii. 527. *R. v. Rinkinghall*, 7 East, 100. ii. 528. *Whitnash*, 15 East, 352. ii. 528.

act of hiring, made on a Sunday, is valid (*u*).

Whitnash, 7 B. and C. 596. ii. 529.

It is necessary to observe, that the contract of hiring may be either by the parties themselves (*v*), or by an agent (*w*), if it appear that they afterwards adopted the agent (*w*). Also, it is not necessary that the hiring should have a settlement (*x*), or even live in a parish in which the servant serves (*y*). Nor is it necessary that the contract should be made in the parish where the settlement is gained (*z*); if made even in an alien place, it is sufficient (*a*).

v. Sandhurst, 7 B. and C. 557. ii. 530. *Turbach*, 1 M. and S. 370. ii. 511. *R. v. Houghton le Spring*, 75. ii. 531. *Widen v. Chesham*, 2 Bott, 173. Fol. 142. ii. 519. *Eldersley*, 2 Bott, 274. ii. 532. *Feversham v. Gravenney*, 533. *Whitnash*, 2 Bott, 273. Set. and Rem. 23. ii. 534. *St. Peter's*, in Oxford, Fol. 193. ii. 536.

[*year*.] The contract of hiring, express or implied, must be one entire contract for a service for one year. Therefore a contract for half a year, and at that time a contract for the other half of the year, will not gain a settlement (*b*); nor will a hiring for fifty days (*c*). A hiring from Whitsuntide to Whitsuntide, though the period may comprise less than three hundred and sixty-five days (*d*). So, a hiring from a day after Whitsuntide to Whitsuntide, will gain a settlement, the day of hiring and the feast day shall both be inclusive (*e*); but a hiring two days after Whitsuntide will not (*f*), even although that

Wam v. Shipley, Fol. 134. ii. 536. *Dunsford v. Ridgwick*, Salk. 107. ii. 538. *R. v. Lowther*, Burr. S. C. 674. ii. 538. *R. v. Burnham*, 87. ii. 539.

period should comprise three hundred and sixty-five days (*g*), and even although such a hiring be according to the custom of the country (*h*). Nor will the fact, that the hiring was made for less than a year (*i*), or that a yearly hiring was rescinded, and one for less than a year substituted for it, by consent (*k*), for the very purpose of preventing the servant from gaining a settlement, make any difference; although if an agreement be merely colourable for the purpose of preventing a settlement, but the hiring be in substance a hiring for a year, (as, for instance, a hiring for eleven months, and to give one month over, or the like), a settlement will be gained by it (*l*). So an exceptive hiring, (that is, a hiring excepting a portion of the year), will not not gain a settlement (*m*): as, for instance, if the servant expressly stipulate for leave of absence during the harvest month (*n*), or other time (*o*), or to work only a certain number of hours each day (*p*), or not to serve on Sundays (*q*), or the like (*r*), this will not be deemed a hiring for a year, so as to confer a settlement, even although the servant do not afterwards avail himself of the stipulation; but such a stipulation will not be implied from the custom of any particular trade, &c. (*s*); nor will the servant's stipulating for leave to serve a month in the militia, if he should be called out, prevent his settlement, because the law

(*g*) *R. v. Ackley*, 3 T. R. 250. ii. 546.

(*h*) *R. v. Harwood*, Cald. 100, Doug. 439. ii. 545. *R. v. Newton*, Burr. S. C. 157. ii. 549.

(*i*) *R. v. Mursley*, 1 T. R. 694. ii. 547. *R. v. Haughton*, Str. 83. ii. 550. See *Pepperharrow v. Frencham*, Set. and Rem. 80. Fol. 135. ii. 551.

(*k*) *R. v. Bottesford*, 4 B. and C. 84. ii. 552. See *R. v. Market Bosworth*, 2 B. and C. 757. ii. 553. *R. v. Winterset*, Cald. 293. ii. 554. See *R. v. Grendon Underwood*, Cald. 359. ii. 555.

(*l*) *R. v. Milwich*, Burr. S. C. 433. ii. 556. See *R. v. Market Bosworth*, 2 B. and C. 757. ii. 553.

(*m*) See *R. v. Lydd*, 2 B. and C. 754. ii. 557. *R. v. Gateshead*, 2 B. and C. 117, n. ii. 558. *R. v. Edgmond*, 3 B. and A. 107. ii. 559. *R. v. Polesworth*, 2 B. and C. 715. ii. 560.

(*n*) *R. v. Bishop's Hatfield*, Burr. S. C. 439. ii. 561. *R. v. Althorne*, 2 B. and C. 112. ii. 562. *R. v. Turvey*, 2 B. and A. 520. ii. 563.

(*o*) *R. v. Empingham*, Burr. S. C. 791. ii. 564. *R. v. Over*, 1 East, 559. ii. 565. *R. v. Rushulme*, 10 East, 325. ii. 566. *R. v. Arlington*, 1 M. and S. 622. ii. 567. *R. v. Leamington Priors*, 8 D. and R. 329. ii. 568.

(*p*) *R. v. Macclesfield*, Burr. S. C. 458. ii. 569. *R. v. Buckland Dugham*, Burr. S. C. 694. ii. 570. *R. v. Kingswinford*, 4 T. R. 219. ii. 571. *R. v. North Nibley*, 5 T. R. 21. ii. 572.

(*q*) *R. v. Macclesfield*, Burr. S. C. 458. ii. 569. *R. v. Kingswinford*, 4 T. R. 219. ii. 571.

(*r*) See *R. v. Gateshead*, 2 B. and C. 117, n. ii. 558.

(*s*) *R. v. St. Agnes*, Burr. S. C. 671. ii. 573. *R. v. Birmingham*, Doug. 383. ii. 574. *R. v. Horwick*, 10 East, 469. ii. 575. *R. v. All Saints, Worcester*, 1 B. and A. 322. ii. 576.

compel his absence in such a case, independently stipulation (*t*). Nor will such a stipulation be an exception, unless made at the time of the contract so as to form a part of it; if made afterwards, it is deemed a dispensation, and not an exception (*u*). A conditional hiring, however, will confer a settlement, if it happen within the year to dissolve the contract: as for instance, a hiring for a year, with liberty for either party to dissolve the contract upon giving a month's notice, will confer a settlement, if no notice be given, and the servant remain in the service for the year; so, a hiring for a certain time upon liking, and the master and servant like each other, then for a year will confer a settlement, if the servant continue the year in the master's service (*x*). And a mere stipulation of deduction from wages in case the servant should be prevented from working by illness, bad weather, &c., will not event a settlement (*y*). Where there was an express hiring "to the offices of a servant," a stipulation that the servant might have what she could earn by her labour besides, was holden not to defeat the settlement (*z*).

- v. Westerleigh*, Burr. S. C. 758. ii. 577. *R. v. Winchcombe*, 11. Cald. 94. ii. 578.
- v. Sulgrave*, 2 T. R. 376. ii. 579.
- v. Byker*, 2 B. and C. 114. ii. 580. *R. v. Northwold*, 2 D. and C. 581.
- v. Atherton*, Burr. S. C. 203. ii. 582. *R. v. New Windsor*, Burr. S. C. 583.
- v. Lidney*, Burr. S. C. 1. 2 Bott, 248. ii. 584. *R. v. St. Ebbs*, 1. C. 289. ii. 585.
- v. Martham*, 1 East, 239. ii. 586.
- v. Chertsey*, 2 T. R. 37. ii. 520.

Here it may be necessary to observe, that a retroactive hiring, (that is, hiring for a year, part of which already elapsed), will not gain a settlement (*a*).

- Winchcombe v. Westwoodhey*, Str. 143. ii. 587. *R. v. Westwell*, 1 Bar. 14. ii. 588.
- South Cerney v. Coultbourne*, Burr. S. C. 241. 1 Sess. ii. 589. *R. v. Ham*, Burr. S. C. 304. 1 Wils. 307. ii. 590. *R. v. T. T. R.* 694. ii. 547. *R. v. Marton*, 4 T. R. 257. ii. 591. *R. v. Adon*, Cald. 23. ii. 592.

It is not necessary that an express hiring for a year be proved, or should even have in fact existed; in circumstances it can fairly be implied that the master intended the pauper to have served for a year, it is sufficient: thus, a general indefinite hiring, is

deemed a hiring for a year, unless something appears which may raise a presumption to the contrary (*b*); so, telling a man to go into the place of another, who was a yearly servant, implies a hiring for a year (*c*); so, a hiring for a year, and then a continuance in the same service, implies a new hiring for a year (*d*). So, where a servant was hired for eleven months only, and at the expiration of that time his master said to him, "You may as well stay on an end in your place, the place suits you, and you suit the place," and the servant remained accordingly, and continued to serve for three years afterwards: this was holden to imply a hiring for a year (*e*). But this presumption, like all others, may be rebutted by circumstances, either appearing in the contract itself, or otherwise (*f*). See *ante*, p. 41.

(*b*) *R. v. Wincannton*, Burr. S. C. 299. ii. 526. *R. v. Stockbridge*, Burr. S. C. 759. ii. 593. *R. v. Bath Easton*, Burr. S. C. 823. ii. 504. *R. v. Worfield*, 5 T. R. 506. ii. 595. *Wandsworth v. Putney*, 2 Bott, 188. 2 Sess. Ca. 188. ii. 596. See *R. v. St Peter, Mancroft*, 8 T. R. 477. ii. 597. *R. v. Seaton and Beer*, 2 Bott, 200. Cald. 440. ii. 598. *R. v. Great Bowden*, 7 B. and C. 249. ii. 599.

(*c*) *R. v. Berwick, St. John*, Burr. S. C. 502. ii. 600. *R. v. Lyth*, 5 T. R. 327. ii. 496.

(*d*) *R. v. Croscombe*, Burr. S. C. 256. ii. 601. See *R. v. Hensingham*, Cald. 206. ii. 476.

(*e*) *R. v. Macclesfield*, 3 T. R. 76. ii. 602. See *R. v. Long Whattox*, 5 T. R. 447. ii. 499. *R. v. Hales*, 5 T. R. 668. ii. 500.

(*f*) See *R. v. Christ's Parish, York*, 3 B. and C. 459. ii. 516. *R. v. St. Matthew, Ipswich*, 3 T. R. 449. ii. 608. *R. v. Great Bowden*, 7 B. and C. 249. ii. 599. *R. v. Stokesley*, 6 T. R. 767. ii. 518.

An express hiring for a year, although at weekly wages, will gain a settlement (*g*); but a general indefinite hiring at weekly wages, is but a weekly hiring (*h*), unless there be something in the agreement which shews the intention of the parties to have been otherwise (*i*); such, for instance, as a stipulation that the agreement should not be put an end to, at the election of either party, without a fortnight's or month's notice, or the like (*k*). And the

(*g*) See *R. v. Overnorton*, 15 East, 347. ii. 603.

(*h*) *R. v. Warminster*, 6 B. and C. 77. ii. 604. *R. v. Wrington*, Burr. S. C. 280. ii. 606. *R. v. Elstock*, 2 Bott, 201. Cald. 469. ii. 606. *R. v. Newton Toney*, 2 T. R. 453. ii. 607. *R. v. Lambeth*, 4 M. and S. 315. ii. 608. *R. v. Pucklechurch*, 5 East, 382. ii. 609. *R. v. Odiham*, 2 T. R. 222. ii. 610. *R. v. Dedham*, Burr. S. C. 653. ii. 611. *R. v. Dodderhill*, 3 M. and S. 243. ii. 612. *R. v. Mitcham*, 12 East, 351. ii. 613.

(*i*) See *R. v. Sandhurst*, 7 B. and C. 557. ii. 580. *R. v. Seaton and Beer*, 2 Bott, 200. Cald. 440. ii. 598.

(*k*) *R. v. Hampreston*, 5 T. R. 205. ii. 614. *R. v. Birdbrooke*, 4 T. R. 245. ii. 615. *R. v. Sandhurst*, 7 B. and C. 557. ii. 580. *R. v. St. Andrew*, in *Pershere*, *Worcestershire*, 8 B. and C. 679. ii. 616. *R. v. Great Yarmouth*, 5 M. and S. 114. ii. 617. See *R. v. Bradninch*, Burr. S. C. 662. ii. 618. *semb. cont.* And see *R. v. Haubury*, 2 East, 423. ii. 619.

ke, it should seem, as to hirings at monthly wages (*l*).
o, if there be an express hiring for a year, although the
servant is to be paid by the piece, (that is, at a certain
rate according to the quantity of work done), it will gain
settlement (*m*); but a general indefinite hiring at piece
work (*n*), or a hiring to do a specified quantity of work (*o*),
will not. So, if there be an express hiring for a year,
although the servant is to have no wages or other remun-
eration, except his board and lodging, &c. it will gain a
settlement (*p*).

- (*l*) See *R. v. Clare*, Burr. S. C. 819. ii. 620.
- (*m*) *R. v. King's Norton*, Burr. S. C. 152. ii. 621. *R. v. Birmingham*,
Doug. 333. ii. 574. *R. v. Alton*, 2 Bott, 222. Cald. 424. ii. 622.
- (*n*) *R. v. St. Peter's*, in *Dorchester*, Burr. S. C. 513. ii. 623.
- (*o*) *R. v. Woodhurst*, 1 B. and A. 325. ii. 624.
- (*p*) *R. v. Hitcham*, Burr. S. C. 469. ii. 508.

*Provided he continue and abide in the same service
during the space of one whole year.*] "The same ser-
vice" does not mean a service entirely under the same
hiring; for if there be a hiring for a year, and a continued
service for a year (whether the whole of the service be
under the same hiring or not), it will be sufficient (*q*).
Thus a hiring for half a year, or even for a week, and then a
hiring for a year, and a continued service for a year, partly
under the one and partly under the other, will gain a settle-
ment (*r*). So, if there be several consecutive hirings, and
then a hiring for a year, they may be coupled in like man-
ner (*s*); and this, whether the yearly hiring followed or
preceded the others (*t*), or whether the services under the
different hirings were similar or not (*u*), or whether the
wages were the same or not (*v*), or although the services
under any but the yearly hiring were under an invalid con-

- (*q*) See *R. v. Overnorton*, 15 East, 347. ii. 603. and the authorities
mentioned *infra*.
- (*r*) *R. v. Overton*, Burr. S. C. 549. ii. 625. *Brightwell v. Westhalley*,
1 Sess. Ca. 92. 2 Bott, 249. ii. 626. *R. v. Aynhoe*, 2 Sess. Ca. 119. 2 Bott,
51. ii. 627. *Hanmer v. Ellesmere*, Str. 878. 2 Bott, 253. ii. 628. *R. v.*
Underbarrow and Bradley Field, Burr. S. C. 545. Cald. 65. Doug. 309. ii.
629. *R. v. Sutton*, 1 East, 656. ii. 630. *Eardisland v. Leominster*, 2 Bott,
553. ii. 631; but see *R. v. Wrington*, Burr. S. C. 280. ii. 605. *R. v. South*
Moulton, 1 L. Raym. 426. ii. 632.
- (*s*) *R. v. Bagworth*, Cald. 179. ii. 108.
- (*t*) *R. v. Fillongley*, 1 B. and A. 319. ii. 633.
- (*u*) *R. v. Grendon Underwood*, Cald. 359. ii. 555. *R. v. Sutton*, 1 East,
56. ii. 630.
- (*v*) *R. v. Underbarrow and Bradley Field*, Cald. 65. Burr. S. C. 546,
Doug. 309. ii. 629. *R. v. Grendon Underwood*, *supra*. *R. v. Overnorton*,
15 East, 347. ii. 603; and see *R. v. Alton*, 2 Bott, 222. ii. 622.

tract, or without contract at all (*w*). But of course one of the hirings under which a part of such continued service is performed, must be a hiring for a year, express or implied (*x*); and therefore if a contract of hiring for a year be rescinded by the parties after the servant has served part of the time, and another be substituted for it under which he cannot gain a settlement, either by reason of its being for a less time than a year, or of the servant being married at the time of the second contract, no settlement can be gained by a service under these hirings (*y*).

(*w*) *R. v. Dawlish*, 1 B. and A. 260. ii. 634.

(*x*) *Dunsford v. Ridgwick*, Sa'k. 535. ii. 537. *R. v. Haughton*, 8 B. and C. 550.

(*y*) *R. v. Great Chilton*, 5 T. R. 672. ii. 635. See *R. v. Bourne*, 2 B. and C. 84. ii. 552. *R. v. Market Bosworth*, 2 B. and C. 757. ii. 553.

The services must be continued, and uninterrupted by the interval of even a day between them (*z*); but an interval of a fraction of a day, even although during the time the pauper actually quit the service and take away his clothes, is not material (*a*).

(*z*) *Wichford v. Bretford*, Fort. 811. ii. 636. *R. v. Caverwall*, B. and C. 461. ii. 637. *R. v. Ross*, Burr. S. C. 698. ii. 638.

(*a*) *R. v. Fifenead Magdalen*, Burr. S. C. 116. ii. 639. *R. v. Eldersley*, Cald. 4. ii. 640. See *R. v. Sulgrave*, 1 T. R. 778. ii. 579.

But a settlement cannot be gained by a year's service under continued hirings in this way, if the servant was married at the time of the second hiring (*b*); the service for the last forty days must be under a hiring made when the pauper was unmarried (*c*).

(*b*) *R. v. St. Giles's*, Reading, Cald. 54. ii. 641.

(*c*) *R. v. Great Chilton*, 5 T. R. 672. ii. 635.

It is not necessary, in order to gain a settlement, that the service should be in the same parish in which the hiring was (*d*). Nor is it necessary that the master should have a settlement (*e*), or even reside in the parish in which the servant performs his services (*f*).

(*d*) *R. v. Ashtor*, Set. and Rem. 28. 2 Bott, 278. ii. 534.

(*e*) *Missenden v. Chesham*, Fol. 142. 2 Bott, 173. ii. 519.

(*f*) *R. v. Eldersley*, 2 Bott, 274. ii. 532. *Feverham v. Gravenay*, Fol. 221. ii. 533.

If the servant live part of the year with the master who hired him, and serve the remainder with his execu-

), or widow (*k*), or with a person to whom his master assigned his farm, (no words dissolving the contract being having passed between them) (*i*), or with any person by his master's consent (*k*), it is sufficient.

R. v. Ladock, Burr. S. C. 179. ii. 642.

R. v. Hardham with Newton, 12 East, 51. ii. 643.

R. v. Ivinghoe, Str. 90. ii. 644.

R. v. Beccles, Burr. S. C. 280. ii. 645.

Sometimes, we have seen (*l*), the year of hiring (as from Whitsuntide to Whitsuntide) may comprise more, or less, than three hundred and sixty-five days : as, a service from Whitsuntide to Whitsuntide is sufficient (*m*) ; if more, a service of three hundred and sixty-five days is sufficient (*n*). In this respect, more liberality of construction is observed with regard to the *service*, than with regard to the hiring (*o*). See *ante*, p. 43, 44.

Ante, p. 43, 44.

R. v. Newstead, Burr. S. C. 669. ii. 541.

R. v. Ulverstone, 7 T. R. 564. ii. 646.

R. v. Ackley, 3 T. R. 250. ii. 546.

1 stat. 52 Geo. 3. c. 72. s. 8. a service in the forest of Holt, under any hiring for the preservation of woods or game in the said forest, shall not gain a settlement in the parish of Binstead.

Dispensation, Dissolution, &c.

A servant who does not serve the entire year, his not doing being considered either as being dispensed with by his master, or justifiable upon the part of the servant, or as arising from or amounting to a dissolution of the contract altogether. In the two first cases, the time of absence is reckoned : in the latter, not ; but the time of service is reckoned up to the time of dissolution only.

If the servant, during any part of the year, be prevented by illness from serving, yet the time of his illness shall be reckoned in the year, no matter whether it happen at the beginning (*p*), middle (*q*), or end (*r*) of the

R. v. Sharrington, 2 Bott, 333. ii. 647.

Id. ; and see *R. v. Ozleworth*, Burr. S. C. 302. ii. 82. *R. v. Islip*, 1. ii. 648.

R. v. Christchurch, Burr. S. C. 494. ii. 649. *R. v. Maddington*, 1. C. 675. ii. 650. *R. v. Sutton*, 5 T. R. 657. ii. 651.

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service, or whether the master deduct from the way or not (*s*), unless indeed there be an actual dissolution the contract (*t*). And where the master, after the illness of his servant, refused to take him back into his service for the remainder of his year, and the servant continued incapable of work, the court held that not only the time of his illness, but the remainder of the year also, should be reckoned in the service (*u*). But if from illness a servant be prevented from entering into the service at or if upon his recovery he enter into the service of the same master, but under a new hiring, the time of his illness is not reckoned (*v*).

(*s*) *R. v. Maddington*, Burr. S. C. 675. ii. 650.

(*t*) See *R. v. Whittlebury*, 6 T. R. 464. ii. 652. *R. v. Sudbrooke*, 4 T. R. 356. ii. 653.

(*u*) *R. v. Sharrington*, 2 Bott, 333. ii. 647.

(*v*) See *R. v. Winterset*, Cald. 298. ii. 554.

If a servant be imprisoned for misbehaviour, upon complaint and at the instance of his master, the time of his imprisonment is reckoned in the period of his service whether it occur in the middle (*w*), or at the end of the year (*x*), or whether a deduction from his wages be made on account of it, or not (*y*). But if a servant be imprisoned for a crime or offence at the instance of other parties, the time of his imprisonment shall not be reckoned in his service (*z*), unless perhaps where the master receives him back into his service within the year.
infra.

(*w*) *R. v. Barton upon Irwell*, 2 M. and S. 829. ii. 654.

(*x*) *R. v. Hallow*, 2 B. and C. 739. ii. 656.

(*y*) *R. v. Hallow*, and *R. v. Barton upon Irwell*, *supra*.

(*z*) See *R. v. Westmeon*, Cald. 129. ii. 656.

If a servant absent himself with the leave of his master, this is a dispensation, whether it happen at the beginning (*a*), in the middle (*b*), or at the end of the year (*c*), and whether a deduction from the wages be made on account of it or not (*d*). So, if a servant be

(*a*) *R. v. Bray*, Burr. S. C. 682. ii. 227. *R. v. Sulgrave*, 2 T. R. 1579. See *R. v. Grendon Underwood*, Cald. 359. ii. 655.

(*b*) *R. v. Beccles*, Burr. S. C. 230. ii. 645. See *R. v. Islip*; *R. v. E. R. v. Hanbury*, and *R. v. East Shefford*, *infra*.

(*c*) *R. v. Goodnestone*, Burr. S. C. 261. ii. 657. *R. v. Nether Heigham*, Burr. S. C. 479. ii. 658. *R. v. Bray*, Burr. S. C. 682. ii. 227. *R. v. Heygham*, Burr. S. C. 690. ii. 659. *R. v. Richmond*, Burr. S. C. 7660; but see *Pawlet v. Burnham*, 2 Bott, 307. 1 Sess. Ca. 87. ii. 661.

(*d*) *R. v. Potter Heygham*, Burr. S. C. 690. ii. 659. See *R. v. Heygham*, Burr. S. C. 479. ii. 658.

out without his master's leave, either in the beginning or middle of the year, and afterwards return and be received into the service at any time within the year, under the old agreement, this is a dispensation merely (*e*), whether wages be deducted for the absence or not (*f*); but if he do not return before the year expire, it is otherwise (*g*).

(*e*) *R. v. Islip*, Str. 423. ii. 648. *R. v. Eaton*, Burr. S. C. 47. ii. 662. *R. v. Hanbury*, Burr. S. C. 322. ii. 668. *R. v. East Shefford*, 4 T. R. 804. ii. 664.

(*f*) *R. v. Islip*, Str. 423. ii. 648. *R. v. Hanbury*, Burr. S. C. 322. ii. 668. *R. v. East Shefford*, 4 T. R. 804. ii. 664.

(*g*) *R. v. North Cray*, 2 Bott, 334. ii. 665. *R. v. Grantham*, 3 T. R. 754. ii. 666.

But if before the end of the year the master and servant part by mutual consent, so that the master no longer has any legal control over the servant, this is a dissolution of the contract, and not merely a dispensation (*h*), whether a deduction be made from his wages for the residue of the time or not (*i*). So, if before the end of the year the master turn off the servant for sufficient cause, whether the servant assent to it or not (*k*), or if he turn off the servant without sufficient cause, and the servant assent to it (*l*), it is a dissolution of the contract; but if he turn off the servant without sufficient cause, and the servant merely submit, but do not consent, to it, this is a dispensation only, and not a dissolution (*m*). So, if the servant leave the service for sufficient cause, as for being beaten or ill-treated, it is a dissolution of the contract, whether the master assent to it or not (*n*). But where the master, a week before the expiration of the year, being

(*h*) *Pawlet v. Burnham*, 2 Bott, 307. 1 Sess. Ca. 87. ii. 661. *Sheen v. Godalming*, 2 Bott, 310. ii. 667. *R. v. Castlechurch*, Burr. S. C. 68. ii. 668. *R. v. East Kennett*, Burr. S. C. 336. ii. 669. *R. v. Thistleton*, 6 T. R. 186. ii. 670. *R. v. Ross*, Burr. S. C. 688. ii. 688. *R. v. Caverswall*, Burr. S. C. 461. ii. 637. *R. v. Maidstone*, 12 East, 550. ii. 671. *R. v. St. Peter Mancroft*, 8 T. R. 477. ii. 597. *R. v. Rushall*, 7 East, 471. ii. 672. *R. v. King's Pyon*, 4 East, 351. ii. 673. See *R. v. Clayhydon*, 4 T. R. 100. ii. 674. *R. v. Mildenhall*, 12 East, 482. ii. 675. *R. v. Bottesford*, 4 B. and C. 84. ii. 552.

(*i*) *Sheen v. Godalming*, 2 Bott, 310. ii. 667. *R. v. Castlechurch*, Burr. S. C. 68. ii. 668.

(*k*) *R. v. Marlborough*, 12 Mod. 402. ii. 676. *R. v. Bampton*, Cald. ii. 82. *R. v. Welford*, Cald. 57. ii. 84.

(*l*) *R. v. Seagrave*, Cald. 247. ii. 677. *R. v. Gresham*, 1 T. R. 101. ii. 678. *R. v. Leigh*, 7 East, 539. ii. 679. See *R. v. Grantham*, 3 T. R. 754. ii. 666.

(*m*) *R. v. Hanbury*, Burr. S. C. 322. ii. 668. *Eastland v. Westhorsley*, Str. 528. ii. 680. *R. v. St. Philip*, in Birmingham, 2 T. R. 624. ii. 661. *R. v. Hardham with Newton*, 12 East, 51. ii. 643. See *R. v. Hardingham*, Stiles, 169. ii. 652. *R. v. Grantham*, 3 T. R. 754. ii. 666.

(*n*) *R. v. Upwell*, 7 T. R. 438. ii. 683. *R. v. Corsham*, 2 East, 308. ii. 684.

obliged to leave his house on account of some charge against him, parted with his servants on that account only, and paid them their year's wages, this was holden to be a dispensation only (*o*). So, where the master, a few days before the expiration of the year, became bankrupt, and discharged his servant on that account only, paying the whole year's wages, it was holden to be a dispensation only (*p*). So, where the master, a few days before the expiration of the year, was obliged from unforeseen circumstances to break up housekeeping, and discharged his servant on that account only, paying the whole year's wages, this was holden to be a dispensation only, and not a dissolution (*q*).

(*o*) *R. v. St. Mary, Lambeth*, 8 T. R. 236. ii. 686.

(*p*) *R. v. St. Andrew, Holborn*, 2 T. R. 627. ii. 686.

(*q*) *R. v. St. Bartholomew, Cald.* 48. ii. 687; but see *R. v. Bray*, 3 M. and S. 20. ii. 688.

And in all cases, where the absence is fraudulently caused, for the purpose of preventing a settlement, either by the master (*r*), or by the servant (*s*), or by the contrivance of both (*t*), it is considered a dispensation merely, and not a dissolution.

(*r*) *Eastland v. Westhorsley*, Str. 526. ii. 680. *R. v. Sulgrave*, 2 T. R. 376. ii. 579; but see *R. v. North Cray*, 2 Bott, 334. ii. 665. *R. v. Marks Bosworth*, 2 B. and C. 757. ii. 553.

(*s*) *R. v. Preston, Burr.* S. C. 69. 2 Bott, 310. ii. 224. *R. v. Potter Heigham, Burr.* S. C. 690. ii. 659; but see *R. v. North Basham*, 2 Bott, 335. ii. 689.

(*t*) *R. v. Frome Selwood, Burr.* S. C. 565. ii. 690.

And lastly, as to the cases in which a servant may be justifiably absent from his master's service, without his consent:—The case of illness has been already mentioned, (*ante*, p. 49). If the contract of hiring contain no exception of Sundays or holidays, but the servant in fact do not work on those days, and it would be contrary to the custom of the particular trade if he did so: this circumstance does not prevent his gaining a settlement (*u*). So if the servant absent himself, (without, or even against the consent of the master), a day at a statute or fair, to hire himself for the ensuing year, or for any other reasonable cause which the master ought to have allowed, this does not prevent his gaining a settlement (*v*).

(*u*) *R. v. St. Agnes, Burr.* S. C. 671. 2 Bott, 322. ii. 573.

(*v*) *R. v. Islip, Str.* 423. ii. 648. *R. v. Poleworth*, 2 B. and A. 498. ii. 691. See *R. v. Clayhydon*, 4 T. R. 100. ii. 674.

to the absence of servants in the militia, *see stat. re. 3. c. 90. s. 61.*

vided he have resided in the parish forty days.] In to gain a settlement by hiring and service, there not only be a hiring and a service, as already men-
l, but there must also be a residence by the servant, place of rest) (*w*), of forty days, either consecutively different times within the year (*x*). And the parish in which he sleeps the last forty days, is that in which he resided (*y*). Or if, without fraud, he reside some days in one parish and some days in another, during the last forty days, the parish in which he sleeps during the last of his service, is his place of settlement (*z*), provided he have slept there the remaining thirty-nine days of the period during the year (*a*). It is immaterial, how-
whether the parish in which he so resides, be that in which he was hired or serves (*b*); it is immaterial also whether the servant reside in the master's house or elsewhere (*c*), or whether the master ever resided in the parish in which the servant resides (*d*), or that the master reside in the parish merely as a visitor or lodger (*e*). Whether the year's service is under different hirings (*f*), or whether the forty days' residence (*g*), or at least some part there-

R. v. Mildenhall, 4 B. and A. 374. ii. 692. *Goring v. Moltsworth*, 1 Barnard. 436. Set. and Rem. 219. ii. 693. *z. v. Eldersley*, 2 Bott, 274. ii. 532. *Feversham v. Gravenny*, Fort. 533. *R. v. Ladock*, Burr. S. C. 179. ii. 642. *R. v. Crosscomb*, B. C. 256. ii. 601. *R. v. Bath Easton*, Burr. S. C. 774. ii. 634. *Greenwich v. Longdon*, Burr. S. C. 243. ii. 695. *R. v. Hedsor*, 51. ii. 696. *R. v. Nympsfield*, Cald. 107. ii. 697. *R. v. Lowess*, S. C. 825. ii. 698. *R. v. Hulland*, Doug. 657. ii. 699. *R. v. a*, Cald. 288. ii. 700. See *R. v. St. Andrew's*, Holborn, 2 Bott, Cald. 408. ii. 701. *R. v. Undermilbeck*, 5 T. R. 387. ii. 702. *R. v. Bookham*, Cald. 290. ii. 706. *R. v. Denham*, 1 M. and S. 221. ii. 704. *R. v. Findon*, 4 B. and C. 705. *Feversham v. Gravenny*, Fort. 221. ii. 533. *R. v. Spitalfields*, 1, 376. 8 Mod. 309. ii. 706. See *R. v. St. Peter's*, in Oxford, Fol. 1. 535. *R. v. Whitechapel*, Fol. 146. 2 Bott, 276. ii. 707. *St. Peter's*, in Oxford v. Chipping Wycomb, Str. 528. ii. 708. *St. Peter's Hatfield v. St. Peter's*, Str. 794. 2 Bott, 276. ii. 709. *R. v. dabury*, Burr. S. C. 644. ii. 710. *R. v. East Hsley*, Burr. S. C. 711. *R. v. St. Peter's*, in Oxford, Fol. 193. ii. 535. *R. v. St. Andrew's*, Str. 2 Bott, 272. Cald. 406. ii. 701. See *Alton v. Elvetham*, Burr. 418. 2 Bott, 290. ii. 712. See ante, p. 47. *Hardsham v. Leominster*, 2 Bott, 253. ii. 631.

of (h), must be during the service under the yearly hiring; and all must be within the compass of a year (i).

(A) R. v. Apethorpe, 2 B. and C. 892. ii. 713; and see R. v. Adson, 5 T. R. 98. ii. 714.

(i) R. v. Denham, 1 M. and S. 221. ii. 704. R. v. Findon, 4 B. and C. 91. ii. 705.

By stat. 54 Geo. 3. c. 170. s. 4. no person shall gain a settlement by reason of any residence within a parish, &c. whilst confined therein as a prisoner upon civil process, or for any contempt.

By stat. 52 Geo. 3. c. 72. s. 8. no person shall gain a settlement in the parish of Binsted, by residence in any house, lodge, or other building in the forest of Alice Holt.

As to residence in a workhouse or poor-house, or in a house provided by any charitable institution, see stat. 9 Geo. 1. c. 7. s. 4. 59 Geo. 3. c. 12. s. 11. 54 Geo. 3. c. 170. s. 6.

Fraud, its effect upon a settlement by hiring and service.] We have seen that if a contract of hiring for less than a year, be merely colourable for the purpose of avoiding a settlement, but be in substance a hiring for a year, (as for instance, a hiring for eleven months, and to give one month over,) a settlement will be gained by it (k). *Ante*, p. 44.

(k) R. v. Milwich, Burr. S. C. 433. ii. 556.

We have also seen, that if an absence of the servant be fraudulently caused, for the purpose of preventing a settlement, either by the master (l), or by the servant (m), or by the contrivance of both (n), it is a dispensation only, and not a dissolution. *Ante*, p. 52.

(l) Eastland v. Westhorsley, Str. 526. ii. 680. R. v. Sulgrave, 2 T. R. 376. ii. 579; but see R. v. North Cray, 2 Bott, 334. ii. 665. R. v. Market Bosworth, 2 B. and C. 757. ii. 553.

(m) R. v. Preston, Burr. S. C. 69. 2 Bott, 310. ii. 224. R. v. Potter Heigham, Burr. S. C. 690. ii. 659; but see R. v. North Basham, 2 Bott, 335. ii. 689.

(n) R. v. Frome Selwood, Burr. S. C. 565. ii. 690.

It is now only necessary to observe, that if fraud form any part of a special case, it must be expressly stated; for the Court of King's Bench will not imply it (o).

(o) R. v. Preston, Burr. S. C. 69. 2 Bott, 310. ii. 224; and see R. v. Weston, Burr. S. C. 166. Str. 1156. ii. 715.

6. SETTLEMENT BY APPRENTICESHIP.

If any person shall be bound an apprentice, and inhabit any town or parish, such binding and inhabitation shall be adjudged a good settlement (*p*), unless the apprentice be to a certificated man (*q*), or the apprentice be a certificated man in that parish (*r*); the settlement to be in that parish in which the apprentice resided during the last forty days of the service (*s*).

- (*p*) 2 W. and M. c. 11. s. 8. See 56 Geo. 3. c. 139. s. 5.
 (*q*) 12 Ann. st. 1. c. 18. s. 2. See R. v. Hinkley, 4 T. R. 371. ii. 305. R. v. Hampton, 5 T. R. 266. ii. 716. St. Cuthbert's v. Westbury, Burr. S. C. 6. ii. 717. Romsey v. St. Michael's, Burr. S. C. 640. ii. 718; but see R. v. Petham, Burr. S. C. 154. ii. 719. R. v. Bishopside, Burr. S. C. 881. ii. 720. R. v. Spotland, Burr. S. C. 527. ii. 287. R. v. Clithydon, Burr. S. C. 1. ii. 720. R. v. St. Peter's, in Derby, 1 T. R. 218. ii. 250. R. v. Wensley, 5 T. R. 154. ii. 268. R. v. St. Peter's, in Nottingham, Burr. S. C. 391. ii. 721.
 (*r*) 9 and 10 W. 3. c. 11. See R. v. Weddington, Burr. S. C. 766, ii. 722. R. v. Alfreton, 7 T. R. 471. ii. 314.
 (*s*) *Vide post*.

There must be a legal binding.] In the first place, the binding must be by deed, and not by agreement merely (*t*); but whether the deed be indented or not, is now immaterial (*u*), although formerly otherwise (*v*). And this deed must be produced upon the trial of the appeal, and proved as in ordinary cases (*w*); or if lost or destroyed, then, upon proof thereof, the binding may be proved by secondary evidence (*x*).

- (*t*) R. v. Stratton, Burr. S. C. 272. ii. 723. R. v. Mawman, Burr. S. C. 299. ii. 724. R. v. Whitchurch Canonickorum, Burr. S. C. 540. 1 Bott, 529. ii. 725. R. v. Highnam, 1 Bott, 553. ii. 726. R. v. Margram, 5 T. R. 153. ii. 727. R. v. All Saints, Hereford, Burr. S. C. 656. ii. 728. R. v. Kingsweare, Burr. S. C. 839. ii. 729. R. v. St. Michael's, in Bath, Burr. S. C. 731. ii. 730. R. v. Ditchingham, 4 T. R. 769. ii. 731. R. v. St. Helen's, in Abington, Burr. S. C. 736. ii. 732.
 (*u*) 31 Geo. 2. c. 11. s. 1. See R. v. Rainham, 1 East, 531. ii. 733.
 (*v*) See Smith v. Birch, 1 Sess. Ca. 222. ii. 734. R. v. Millingham, 1 Sess. Ca. 417. ii. 735.
 (*w*) See Arch. Pl. and Ev. 377. R. v. St. Helen's, Burr. S. C. 735. ii. 736. R. v. Middlezoy, 2 T. R. 41. ii. 230. R. v. Harringworth, 4 M. and S. 350. ii. 737. See R. v. St. Michael's, in Bath, Burr. S. C. 731. ii. 730.
 (*x*) See R. v. Stourbridge, 8 B. and C. 96. ii. 738. R. v. Castleton, 6 T. R. 236. ii. 739. R. v. Morton, 4 M. and S. 48. ii. 740. R. v. St. Mary le bone, 4 D. and R. 475. ii. 741. R. v. East Farleigh, 6 D. and R. 147. ii. 742. R. v. Long Buckby, 7 East, 45. ii. 743. See R. v. East Knoyle, Burr. S. C. 161. ii. 744.

2dly. It must be between proper parties (*y*).

In ordinary cases it must be executed by the apprentice (*z*), though an infant (*a*); but it is not necessary that it should be executed by the master (*b*).

In cases of parish apprentices, it need not be executed either by the master (*c*), or by the apprentice (*d*); but it must be executed by the majority of the churchwardens and overseers (*e*); or, where a parish contains many townships, &c. each maintaining its own poor, then it must be executed by the overseers of the township, and the persons acting as churchwardens of the same, (although really sworn in as churchwardens of the entire parish,) or the major part of them (*f*); or, by two persons, acting or purporting to act in the double capacity of churchwardens and overseers (*g*). And it must be approved of by two justices of the peace (*h*), (together (*i*),) after an inquiry into the fitness of the master, &c. (*h*); and the same as to indentures, by reason of which any expense whatever shall be incurred by public parochial funds (*i*). A poor child, however, may

(*y*) See *R. v. Louth*, 8 B. and C. 247. ii. 745. *R. v. Guildford*, 2 Chitty, Rep. 284. ii. 746. *R. v. St. Margaret's, Lincoln*, Burr. S. C. 728. ii. 747. *Anon.* 2 Bott, 370. ii. 748. *R. v. St. Petrox, Dartmouth*, 4 T. R. 196. ii. 749.

(*z*) Case of *Chesterfield*, 2 Salk. 479. ii. 750. *R. v. Cromford*, 8 East, 25. ii. 751. *R. v. Ripon*, 9 East, 295. ii. 752. *R. v. Arnesby*, 3 B. and A. 584. ii. 753.

(*a*) *R. v. Cromford*, 8 East, 25. ii. 751.

(*b*) *R. v. St. Peter's on the Hill*, 2 Bott, 377. ii. 754. *R. v. Fleet, Cald.* 31. ii. 755.

(*c*) *R. v. Fleet, Cald.* 31. ii. 755. See 8 and 9 W. 3. c. 30. s. 5.

(*d*) *R. v. St. Nicholas, in Nottingham*, 2 T. R. 726. ii. 756. *R. v. Woolstanton*, 1 Bott, 610. ii. 757.

(*e*) 43 El. c. 2. s. 5. See 1 and 2 Geo. 4. c. 32. s. 1. *R. v. Earl Shilton*, 1 B. and A. 275. ii. 758. *R. v. Lutterworth*, 3 B. and C. 487. ii. 759.

(*f*) 54 Geo. 3. c. 107. s. 1, 2. See *R. v. Nantwich*, 16 East, 228. ii. 760.

(*g*) 51 Geo. 3. c. 80. s. 1. See *R. v. St. Margaret's, Leicester*, 2 B. & A. 200. ii. 761. *R. v. Stoke Golding*, 1 B. and A. 173. ii. 762.

(*h*) 43 El. c. 2. s. 5. See 7 J. 1. c. 3. 56 Geo. 3. c. 139. s. 1—6, 11. *R. v. Hinkley*, 1 B. and A. 273. ii. 763. *R. v. Hickley*, 12 East, 361. ii. 764.

(*i*) *R. v. Hamstall Redware*, 3 T. R. 380. ii. 765. See *R. v. Winwick*, 8 T. R. 454. ii. 766.

(*k*) 56 Geo. 3. c. 139. s. 1, &c. See *R. v. Bawbergh*, 2 B. and C. 222. ii. 767. *R. v. Newark-upon-Trent*, 3 B. and C. 59. ii. 768. *R. v. Sheepy*, 8 B. and C. 74. ii. 879.

(*l*) 56 Geo. 3. c. 139. s. 11. See *R. v. Mattishall*, 8 B. and C. 738. ii. 769. *R. v. Damarel*, 7 B. and C. 563. ii. 770. *R. v. St. Paul's, Exeter*, T. 1829, MS. ii. 771. *R. v. Chalbury*, 1 Bott, 643. ii. 772. *R. v. Kilby*, 10 B. and C. 12. 2 M. and S. 501. ii. 773. See 7 Jac. 1. c. 3.

himself out, and in that case the approval of the
s would be unnecessary (*m*).

. *v. St. Mary's*, Reading, Fol. 154. 1 Bott. 699. 2. *Id.* (nom.
y *v. St. Mary's*) 370. ii. 774. *R. v. Arundel*, 5 M. and S. 257. ii.

o apprentices to the sea service, see stat. 2 and 3
. 6. 4 Ann. c. 19.

no objection, that at the time of the binding the
tice was an infant (*n*), or that the master was an
(*o*); nor is it material whether the master be of any
t trade (*p*), or whether he have a right to take an
tice (*q*), or whether he have a settlement, or even
in the parish in which the apprentice is already
, or not (*r*).

31. c. 4. s. 42, 43. *R. v. Saltern*, 1 Bott. 617. ii. 776; but see as
ey sweeps, 28 Geo. 3. c. 48. s. 4. *R. v. Hipswell*, 8 B. and C.
77.

v. St. Petrox, in Dartmouth, 4 T. R. 196. ii. 749.
. *v. St. Margaret's*, Lincoln, Burr. S. C. 728. 1 Bott. 613. ii. 747.
on. Trin. 9 Anu. 2 Bott. 370. ii. 748.

v. St. Nicholas, Nottingham, 2 T. R. 726. ii. 756. *R. v. Tun-
d Happing*, 3 T. R. 523. ii. 778. *Stoke Fleming v. Berry Pomroy*,
Run. 65. 2 Bott. 392. ii. 779. *St. Bride's v. St. Saviour's*, Salk.
80.

r. As to period. In ordinary cases, the binding
lly for seven years; in the case of parish appren-
it should be until the child arrives at the age of
r-one (if a male) (*s*), or until the age of twenty-one
rriage (if a female) (*t*); but if, in the case of a
pauper, it be until her age of twenty-one, without
“or until marriage (*u*),” or if it be for less than
years (*v*), or even for an unlimited time (*w*), it will
ficient to confer a settlement; for in these cases
lerture is voidable merely, and not void.

Geo. 3. c. 47.

El. c. 2. s. 5. See *Ex p. Davis*, 6 T. R. 715. ii. 781.

. *v. St. Petrox*, Burr. S. C. 248. ii. 782.

. *v. St. Nicholas*, in Ipswich, Burr. S. C. 91. ii. 783. *R. v. Evered*,
. ii. 784. See *R. v. Chalbury*, 1 Bott. 610, 643. ii. 772. *Gray v.*
1, 16 East, 13. ii. 785. *R. v. Gainsborough*, Burr. S. C. 586. ii. 786.

inham, 1 East, 631. ii. 733.

.. *v. Woolstanton*, 1 Bott. 610. ii. 757.

ly. It must be properly stamped, in point of
in cases where a stamp is required by law (*x*);

ide infra, in *notis*.

otherwise no settlement can be gained by service under it (y). And for the purpose of preventing any fraud on the revenue, the sum received as apprentice fee shall be

(y) *Salford v. Storeford*, 2 Bott. 370. 2 Barnard. 39. ii. 787. *R. v. Beck*, in *Leeds*, Burr. S. C. 198. ii. 106. *Cuerden, v. Leland*, 1 Bott. 42. ii. 788. *R. v. Llanvair Dyffryn Clwyd*, Burr. S. C. 236. ii. 789. See *R. v. Highnam*, 1 Bott. 558. ii. 726. *Shepherd v. Hall*, 3 Camp. 180. ii. 790. *R. v. Louth*, 8 B. and C. 247. ii. 745; and see *R. v. St. Peter's, Chester*, 1 Bott. 544. ii. 791. *R. v. Leighton*, 4 T. R. 782. ii. 792. *R. v. Bradshaw*, 1 M. and S. 151. ii. 793. *R. v. Walton in le Dale*, 3 T. R. 515. ii. 794. *R. v. Wantage*, 1 East, 601. ii. 796. *R. v. Chipping Norton*, 5 B. and A. 42. ii. 796.

*. The following are the stamps upon indentures of apprenticeship required by statute, from the earliest period to the present time.

By 5 W. & M. c. 21. s. 2, 3, (made perpetual by 1 Geo. I. c. 12,) it is enacted, that from the 28th June, 1694, upon every indenture there shall be paid the duty of

By 9 & 10 W. 3. c. 26. s. 30, from the 1st August, 1696, an additional duty of

By 8 Ann. c. 9. s. 32, (made perpetual by 9 Ann. c. 21. s. 7,) from the 1st May, 1710, besides the stamp on the indenture, there shall be paid the following duties, in proportion to the amount or value of the money or other thing given, paid, contracted or agreed for, with or in relation to every apprentice put out or placed with any master or mistress to learn a trade, &c. (not being put out at the charge of any parish or public charity, s. 40. See *R. v. St. Petros in Dartmouth*, 4 T. R. 196. ii. 749.) And the true sum so given must be inserted in the indentures, s. 35.

Where the sum does not exceed 50*l.*, for every 20*s.*

Where the sum exceeds 50*l.*, then for every 20*s.*

By 13 Ann. st. 2. c. 9. s. 21, (made perpetual by 6 Geo. I. c. 4. s. 1,) from 2d August, 1714, there shall be paid upon every indenture, except indentures for binding poor parish or charity children apprentices, (See *R. v. Clifton upon Dunsmore*, Burr. S. C. 697. ii. 877. *R. v. St. Matthew Bethnal Green*, Burr. S. C. 574. ii. 878.) the additional duty of

By 30 Geo. 2. c. 19. s. 1, from the 5th July, 1757, upon every indenture, the additional duty of

By 16 Geo. 3. c. 34. s. 5, from the 5th July, 1776, upon every indenture, the additional duty of

By 17 Geo. 3. c. 50. s. 16, from the 1st August, 1777, upon every indenture, the additional duty of

By 23 Geo. 3. c. 58. s. 1, from the 1st August, 1788, upon every indenture, the additional duty of

By 32 Geo. 3. c. 57. s. 10, no indorsement on parish indentures, in pursuance of that act, shall be liable to stamp duty.

By 35 Geo. 3. c. 30. s. 1, from the 5th July, 1795, upon every indenture, the additional duty of

By 37 Geo. 3. c. 90. s. 1, from the 5th July, 1797, upon every indenture, except indentures for binding parish or charity children apprentices, the additional duty of

By 37 Geo. 3. c. 111. s. 1, from the 1st August, 1797, on every deed (except indentures of apprenticeship where the sum or value given or contracted with, or in relation to the apprenticeship, shall not exceed 10*l.*), the additional duty of

By 44 Geo. 3. c. 98. s. 1, from the 10th October, 1804, all stamp duties to cease; and the stamp duties in Schedules A. and B. annexed to this act, to be levied in lieu thereof:

Schedule A.

Indentures of apprenticeship where the sum or value given,

not affect the validity of the indenture (a). Where the indenture has been lost or destroyed, the court may presume it to have been duly stamped, unless the contrary appear (b).

(a) *R. v. Northowram*, Burr. S. C. 145. 2 Bott, 376. ii. 727. *R. v. Quanton*, 2 M. and S. 338. ii. 798. See *R. v. Keynsham*, 5 East, 380. ii. 769. *R. v. Oadby*, 1 B. and A. 477. ii. 600.

(b) *R. v. East Knoyle*, Burr. S. C. 151. ii. 744. *R. v. Badby*, 1 Bott, 547. ii. 601. *R. v. Long Buckby*, 7 East, 45. ii. 743.

And where there shall be no such new consideration; if the indenture or other instrument shall not contain more than 1,000 words - - - - - £. s. d. 0 15 0

And if the same shall contain more than that quantity - - - - - 1 10 0

And where there shall be duplicates, or two parts, of any such indenture or other instrument, relating to any such apprentice, clerk, or servant as aforesaid; each part shall be charged with the duty before-mentioned, in all cases where the same shall not exceed thirty shillings; and where the same shall exceed that sum, only one part shall be charged with the said *ad valorem* duty, or duty in proportion to the consideration, and the other part shall be charged with a duty of - - - - - 1 10 0

Note.—And the part, bearing *ad valorem* or higher duty, shall belong to and be kept by the apprentice, clerk, or servant, or some person on his or her behalf, upon his or her being first placed out; and in case of any subsequent placing out, by assignment or otherwise, the part bearing the *ad valorem* duty on that occasion (if any) shall belong to and be kept by the former master or mistress, or his or her representatives, or by the apprentice, clerk, or servant, or some person on his or her behalf; and in each of the said cases, the other part, bearing the lower duty hereby charged thereon, shall belong to and be kept by the original master or mistress, or the new master or mistress, as the case may be; and the same shall be respectively received in evidence accordingly.

Exceptions from the preceding and all other Stamp Duties.

Indentures or other instruments for placing out poor children apprentices, by or at the sole charge of any public charity, or pursuant to the Act of the 32d year of his Majesty's reign, for the further regulation of parish apprentices.

And all assignments of such poor apprentices; provided there shall be no such valuable consideration as aforesaid, given to the new master or mistress, other than what may have been, or shall be given by any parish or township, or by any public charity.

56 Geo. 3. c. 184. From 31st August, 1815, all former duties to cease and the stamp duties in the schedule to this act to be levied in lieu thereof:

Schedule Part I.

Apprenticeship and Clerkship.—Indenture or other instrument or writing containing the covenants, articles, or agreements, for or relating to the service of any apprentice, clerk, or servant, who shall be put or placed to or with any master or mistress, to learn any profession,

If the indenture be void as an indenture of apprenticeship, either from not being stamped (c), or from executed (d), or being otherwise defective; or

Highnam, 1 Bott, 583. 2 Bott, 881. Cald. 401. H. 726. Salford 2 Bott, 370. 2 Barnard, 89. ii. 787. Bromford, 8 East, 28. H. 751.

employment whatsoever; except articles of clerkship to attorneys hereinafter specifically charged;

sum of money, or the value of any other matter or thing which shall be paid, given, assigned, or conveyed, or agreed to be paid, given, assigned, or conveyed to or for the use or benefit of the master or mistress, with or in view of such apprenticeship, clerk, or servant, or both, the value of such other matter or thing shall not exceed 30*l*.

shall amount to 20 <i>l</i> . and not amount to 50 <i>l</i> .	-	1	0	0	
50	100	-	2	0	0
100	200	-	3	0	0
200	300	-	6	0	0
300	400	-	12	0	0
400	500	-	20	0	0
500	600	-	25	0	0
600	800	-	30	0	0
800	1000	-	40	0	0
1000 or upwards.	-	-	50	0	0
			60	0	0

there shall be no such consideration as aforesaid, to the master or mistress, if the indenture or other instrument shall not contain more than 1,000 words; the same shall contain more than that quantity of apprenticeship and Clerkship.—Indenture or other instrument in writing, containing the covenants, articles, or agreements, for or relating to any such apprenticeship, clerk, or servant as aforesaid, be put or placed to or with a new master or mistress, either by assignment, transfer, or turnover, or upon the death, absence, or removal of the former master or mistress, or otherwise; or any writing, whereby any such assignment, transfer, or turnover may be made or ascertained—

there shall be any such valuable consideration as aforesaid, moving to or from the master or mistress, exclusive of the duty of the consideration to the former master or mistress, which may be paid, or given, or transferred to the master or mistress. Such and the like duty in proportion to the amount or value of such new consideration only as is before charged on any original indenture of apprenticeship.

there shall be no such new consideration; if the indenture or other instrument or writing shall not contain more than 1,000 words

the same shall contain more than that quantity

there shall be duplicates, or two parts, of any such indenture or other instrument or writing, relating to any apprenticeship, clerk, or servant as aforesaid; each part shall be charged with the duty before-mentioned, in all cases where the same shall not exceed thirty-five shillings; where the same shall exceed that sum, only one part shall be charged with the said *ad valorem* duty, or duty in relation to the consideration, and the other part shall be charged with a duty of

if there be a service as apprentice without indenture (e): the service will not confer upon the party serving, a settlement by hiring and service. As to indentures voidable only, and not void, see *ante*, p. 57.

(e) *R. v. King's Lynn*, 6 B. and C. 97. ii. 802. *Peterchurch v. All Saints*, Burr. S. C. 656. ii. 803. *R. v. Kingsweare*, Burr. S. C. 839. ii. 729. *R. v. Margram*, 5 T. R. 153. ii. 727. *R. v. Whitchurch Canonicorum*, Burr. S. C. 540. ii. 725. *R. v. Laindon*, 8 T. R. 379. ii. 804. *R. v. Mountsorrell*, 2 M. and S. 460. ii. 805. See *R. v. Little Bolton*, Cald. 367. ii. 509. *R. v. Shinfield*, 14 East, 541. ii. 512. *R. v. Burbach*, 1 M. and S. 370. ii. 511.

There must be an inhabiting for forty days under it.] There must not only be a binding for a certain time, but also an inhabiting for forty days at least, in order to gain a settlement by apprenticeship (f). The inhabitaney is where the apprentice lodges; and the settlement is gained there, though the service be in another parish (g). In this case also, as in that of hiring and service (h), the parish or township in which the party sleeps the last forty days of his service, is that in which he is settled; or if, without fraud, he reside some days in one parish and

(f) 3 W. and M. c. 11. s. 8. See 31 Geo. 2. c. 11. s. 1. *R. v. Cirencester, Set. and Rem.* 119. ii. 806.

(g) *St. John Baptist v. St. James*, Str. 594. 2 Bott, 392. ii. 807. *R. v. St. Peter's on the Hill*, 2 Bott, 393. 377. ii. 754. *R. v. Castleton*, Burr. S. C. 569. ii. 808. See *R. v. St. Olave's Jewry*, 2 Bott, 390. 1 Scss. Ca. 115. ii. 809. *Clerkenwell v. Bridewell*, Lord Raym. 549. ii. 810.

(h) See *ante*, p. 53.

Note.—And the part, bearing the *ad valorem* or higher duty, shall belong to and be kept by the apprentice, clerk, or servant, or some person on his or her behalf, upon his or her being first placed out; and in case of any subsequent placing out, by assignment or otherwise, the part bearing the *ad valorem* duty on that occasion (if any) shall belong to and be kept by the former master or mistress, or his or her representatives, or by the apprentice, clerk, or servant, or some person on his or her behalf; and in each of the said cases, the other part, bearing the lower duty hereby charged thereon, shall belong to and be kept by the original master or mistress, or the new master or mistress, as the case may be; and the same shall be respectively received in evidence accordingly.

Exemptions from the preceding and all other Stamp Duties.

Indentures or other instruments for placing out poor children apprentices, by or at the sole charge of any parish or township, or by or at the sole charge of any public charity, or pursuant to the Act of the 32d year of his Majesty's reign, for the further regulation of parish apprentices.

And all assignments of such poor apprentices; provided there shall be no such valuable consideration as aforesaid, given to the new master or mistress, other than what may have been, or shall be given by any parish or township, or by any public charity.

me days in another, during the last forty days, the parish in which he sleeps during the last night of his service, is his place of settlement (i), provided he have slept there the remaining thirty-nine nights at some former period during his service. So, apprentices to seafaring-men, lodging on board ship, gain their settlement in that parish in which the ship lay during the last entire forty days they slept on board (k); or if the ship lay in different parishes or townships during the last forty days of the service (l), or the apprentice lodged partly on board and partly on shore, then he would gain his settlement in the parish or township in which he slept the last night of his service, provided he had slept there the remaining thirty-nine nights at some former period during his service. But where an apprentice, who usually lodged with his master in A., was in the habit of lodging with his parents in B. on Saturday night and Sunday with his master's knowledge, left his master's service on a Saturday (before the expiration of the indenture), lodged with his parents at B. on the Saturday night and Sunday, but never afterwards returned to his master: it was holden that Friday night must be deemed the last night that he lodged during his service under the indenture, and that consequently his settlement was in A. and not in B. (m). So, where an apprentice, serving a person in another parish with the consent of his master, and lodging there, returned to his master's parish without his master's knowledge, slept there one night, and then absconded, it was holden that he had gained no settlement in the master's parish by thus sleeping there the last night, for his service under the indenture had then ceased (n).

(i) *R. v. Sandford*, 2 Bott, 398. ii. 811. *R. v. Brighthelmston*, 5 T. R. 8. ii. 812. *R. v. Ribchester*, 2 M. and S. 135. ii. 813. *R. v. Iddesleigh*, D. and R. 332. ii. 814. See *Missenden v. Grimsfield*, Fol. 157. ii. 815. * also 6 Geo. 3. c. 25. s. 1.

(k) *R. v. Brotton*, 4 B. and A. 84. ii. 816. *St. Mary Colechurch v. Radcliffe*, 2 Bott, 391. Str. 60. ii. 817. And see *R. v. Topsham*, 7 East, 466. 125.

(l) *R. v. Burton Bradstock*, Burr. S. C. 531. ii. 818.

(m) *R. v. Ribchester*, 2 M. and S. 135. ii. 813.

(n) *R. v. Smarden*, 13 East, 452. ii. 819.

And if the apprentice lodge in a different parish or township from his master, his service must be actually or constructively going on, to enable him to gain a settlement during the time; but otherwise, if he lodge with, or in the same parish or township with, his master.

Therefore, if an apprentice lodge in another parish on account of illness (*o*), or the like (*p*), and perform no service for his master there, he gains no settlement by his inhabitancy in that parish; but if he work for his master during the time, although not at his trade, it is otherwise (*q*); or if he lodge with, or in the same parish or township with his master, he will gain a settlement in that parish or township by the binding and inhabitancy, even although he be disabled from working by illness (*r*). Where the master and apprentice were both in the local militia at B. during the last forty days, the apprentice was holden to have gained his settlement at B. (*s*). But where the apprentice, not being wanted by his master, went back to school, it was holden that as his residence at school had no reference to his apprenticeship, it was not such an inhabitancy as would confer a settlement within the meaning of the statute (*t*). Also, no person shall be deemed to gain a settlement by reason of residence in any parish, whilst detained there as a prisoner on civil process, or for a contempt (*u*).

(*o*) *R. v. Barmby in the Marsh*, 7 East, 381. ii. 820. And see *R. v. Tickfield*, Burr. S. C. 511. ii. 821.

(*p*) *R. v. Brotton*, 4 B. and A. 84. ii. 816. And see *R. v. Ilkerton*, 4 B. and C. 64. ii. 822.

(*q*) *R. v. Stratford-upon-Avon*, 11 East, 176. ii. 823.

(*r*) *R. v. Charles*, Burr. S. C. 706. ii. 824.

(*s*) *R. v. Chelmsford*, 3 B. and A. 411. ii. 826.

(*t*) *R. v. St. Mary Bredin*, 2 B. and A. 382. ii. 826.

(*u*) 64 Geo. 3. c. 170. s. 4.

The service under the indenture, during the forty day inhabitancy, must be, either with the master himself; or with some other person by the master's directions, the master receiving the earnings (*v*); or with some person in particular, with the consent of the master, express or implied, to serve that particular person, although the master is not to receive his earnings (*w*), provided the service be such as can be deemed a service under the in-

(*v*) *R. v. Offerton*, Burr. S. C. 802. ii. 827.

(*w*) *St. Olave's v. All Hallows*, 8 Mod. 169. Stra. 354. ii. 828. *R. v. St. George's*, Hanover Square, Burr. S. C. 12. ii. 829. *R. v. East Bridgeford*, Burr. S. C. 133. ii. 830. *R. v. Clapham*, Burr. S. C. 266. ii. 831. *R. v. Tavistock*, Burr. S. C. 578. ii. 832. *R. v. Stockland*, Doug. 70. Cald. 60. ii. 833. *R. v. Langham*, Cald. 126. ii. 834. *R. v. Holy Trinity in the Minorities*, 3 T. R. 605. ii. 835. *R. v. Barlestone*, 5 B. and A. 798. ii. 836. *R. v. Bradninch*, 2 Bott. 430. ii. 837. *R. v. St. Mary, Lambeth*, 2 Bott. 431. ii. 838. *R. v. Chipping Warden*, 8 T. R. 106. ii. 839. *R. v. Shebbear*, 1 East, 73. ii. 840. *R. v. Bradstone*, 2 Bott. 434. ii. 841. See *R. v. St. Paul's, Bedford*, 6 T. R. 452. ii. 842. *R. v. Fremington*, Burr. S. C. 416. ii. 843.

indenture (*x*). But serving another, without the knowledge or consent of the master; or with the knowledge of the master, but without his consent (*y*); or under a mere general license to the apprentice, to serve whom he chooses (*z*): will not confer a settlement. So, if the indentures be regularly assigned, a service with the second master (*a*), or with any other person with his special assent (*b*), will gain a settlement. So, if an apprentice be bound to one person, with intent to serve another, his serving the other will be a good service under the indenture (*c*). But if the indenture be cancelled or destroyed with the assent of all the parties (*d*), or (after the apprentice has attained the age of twenty-one) by agreement between the apprentice and his master (*e*), it is then at an end, in the same manner as if the term of the apprenticeship had then expired; and the same, if the indenture be given up (*f*), or otherwise put an end to (*g*). So, the death of the master determines the apprenticeship (*h*). So, if the apprentice be duly discharged from his indentures by the order of justices, either upon the complaint of the master or apprentice (*i*), or on ac-

(*a*) See *R. v. Shipton*, 8 B. and C. 88. ii. 844. *R. v. Sandford*, 1 T. R. 281. ii. 845. *R. v. Christowe*, 11 East, 95. ii. 846. See *R. v. Chick*, Burr. S. C. 782. ii. 847.

(*y*) *R. v. Whitchurch*, 1 B. and C. 574. ii. 848. *R. v. St. Helen, Stonegate*, 1 East, 265. ii. 849. *R. v. Ashby-de-la-Zouch*, 1 B. and A. 116. ii. 850. *R. v. Crediton*, 1 East, 59. ii. 851. *R. v. Ideford*, Burr. S. C. 821. ii. 852.

(*z*) *R. v. Bow*, 4 M. and S. 383. ii. 853. *R. v. St. Luke's, Middlesex*, Burr. S. C. 542. ii. 854. *R. v. Brecon*, Nol. 165. ii. 855. *R. v. Notton*, Burr. S. C. 629. ii. 856. *R. v. Chick*, Burr. S. C. 782. ii. 847.

(*a*) *St. Petrox v. Stoke Fleming*, Burr. S. C. 250. ii. 857. *R. v. Barlestone*, 5 B. and A. 780. ii. 833. See *R. v. Barnsley*, 1 M. and S. 377. ii. 858. See 32 Geo. 3. c. 57. s. 7. and sch. D. and E.

(*b*) *R. v. East Bridgeford*, Burr. S. C. 133. ii. 839. *R. v. Tavistock*, Burr. S. C. 578. ii. 832.

(*c*) *Holy Trinity v. Shoreditch*, Str. 10 1 Sess. Ca. 112. ii. 859.

(*d*) *R. v. Weddington*, Burr. S. C. 766. ii. 723.

(*e*) *R. v. Ecclesal Bierlow*, Burr. S. C. 562. ii. 860. *R. v. Langham*, Cald. 126. ii. 884. *R. v. Austrey*, Burr. S. C. 441. ii. 861. *R. v. Wigston*, 3 B. and C. 424. ii. 862. And see *R. v. Sandford*, 1 T. R. 281. ii. 845. *R. v. Skeffington*, 8 B. and A. 382. ii. 863.

(*f*) *R. v. St. Mary Kalendar*, Burr. S. C. 274. ii. 864. *R. v. Titchfield*, Burr. S. C. 511. ii. 861. See *R. v. Sandford*, 1 T. R. 281. ii. 845. And see *R. v. Notton*, Burr. S. C. 629. 1 Bott, 613. ii. 856; and *R. v. Thursley*, 6 Mod. 190. ii. 865. *semb. cont.*

(*g*) *R. v. Harborton*, 1 T. R. 139. 2 Bott, 409. ii. 866. See *R. v. Chipping Warden*, 8 T. R. 108. ii. 839.

(*h*) *R. v. Eakring*, Burr. S. C. 820. ii. 128. See 32 Geo. 3. c. 57. s. 2. and sch. B. and C., as to parish apprentices; and *R. v. Sheephead*, 15 East, 59. ii. 867.

(*i*) See 5 Eliz. c. 4 s. 25. 20 Geo. 2. c. 19. s. 3. 33 Geo. 3. c. 55. s. 1. 4 Geo. 4. c. 29. s. 1. *Hawkesworth v. Hillary*, 1 Saund. 315. ii. 868. *R. v. Gately*, Salk. 471. ii. 869. *R. v. Johnson*, Salk. 68. ii. 870. *R. v. Heasman*, Str. 1014. ii. 871.

count of the insolvency of the master (*k*), or on account of the master of a parish apprentice removing from the parish (*l*), or for the idiocy of the apprentice (*m*), &c. the apprenticeship is thereby dissolved. But the bankruptcy of the master does not of itself operate as a dissolution of the apprenticeship (*n*); nor does the mere fact of the apprentice leaving his master, and going into the service of another, with or without the consent of his master (*o*).

(*k*) See 32 Geo. 3. c. 57. s. 8.

(*l*) See 56 Geo. 3. c. 139. s. 8.

(*m*) Anon. 8kin. 114. ii. 872. See R. v. Hales Owen, Str. 99. ii. 873.

(*n*) R. v. Buckingham, 2 Ld. Raym. 1352. Str. 582. 2 Bott, 402. ii. 874. See 32 Geo. 3. c. 57. s. 8.

(*o*) Ashcroft v. Bertles, 6 T. R. 652. ii. 875. R. v. Hindringham, 6 T. R. 557. ii. 876. R. v. St. Luke's, Middlesex, Burr. S. C. 542. ii. 884.

7. SETTLEMENT BY RENTING A TENEMENT.

By stat. 13 and 14 Ch. 2. c. 12. s. 1, poor persons coming to settle in a tenement under the yearly value of 10*l*., may [if they become actually chargeable (*p*)] be removed to the parish where they were last legally settled, unless they give security for the discharge of the parish. This was the origin of the settlement by renting a tenement.

(*p*) 35 G. 3. c. 101. s. 1. See *ante*, p. 9, 10. R. v. Amphill, 2 B. and C. 847. ii. 46.

And by stat. 59 G. 3. c. 50, after the 2d July, 1819, no person shall acquire a settlement in any parish or township, by reason of his dwelling for forty days in any tenement rented by him, unless such tenement shall consist of a house or building within such parish or township, being a separate and distinct dwelling-house or building, or of land within such parish or township, or of both, *bond fide* hired by such person at and for the sum of 10*l*. a year at the least, for the term of one whole year; nor unless such house or building shall be held, and such land occupied, and the rent for the same actually paid, for the term of one whole year at the least, by the person hiring

the same; nor unless the whole of such land shall be situate within the same parish or township as the house wherein the person hiring such land shall dwell and inhabit.

And lastly, by stat. 6 Geo. 4. c. 57, (repealing the above stat. 59 Geo. 3. c. 50,) no person, after the 22d June 1825, shall acquire a settlement in any parish or township, by reason of settling upon, renting, or paying parochial rates for, any tenement, not being his own property, unless such tenement shall consist of a separate and distinct dwelling-house or building, or of land, or of both, *bond fide* rented by such person, in such parish or township, at and for the sum of 10*l.* a year at the least, for the term of one whole year; nor unless such house or building or land shall be occupied under such yearly hiring, and the rent for the same to the amount of 10*l.* actually paid, for the term of one whole year at the least: provided always, that it shall not be necessary to prove the actual value of such tenement.

Having stated thus the statutes by which this species of settlement is regulated, we shall now proceed to consider,—1st, the nature of the tenement; 2d, the party entitled to the settlement by reason of it; and, 3d, the residence of the party in the parish,—as required under the above statute of Charles 2, and since the recent statutes 59 Geo. 3. c. 50, and 6 Geo. 4. c. 57, above mentioned.

1. *As to the Tenement.*

1. As to the nature of the tenement: It may be necessary to premise, that the stat. 13 and 14 Ch. 2. c. 12. s. 1. has reference to tenements only which the party rents or holds of other persons, and not to the party's own freehold.

Under this statute of Charles, the tenement was not confined to a house in which the party might reside or settle, but the statute was holden to extend to other buildings, and to land, and to every matter of profit arising out of land, which the party might hold as tenant: for instance, a watermill (*q*); windmill (*r*); shop (*s*); stable (*t*);

(*q*) *Evelyn v. Rentcombe*, 2 Salk. 536. ii. 880.

(*r*) *R. v. Butley*, Burr. S. C. 107. ii. 881. See *R. v. Londonthorpe*, 6 T. R. 377. ii. 882.

(*s*) *R. v. St. Giles's in the Fields*, Burr. S. C. 798 ii. 883.

(*t*) *R. v. St. Margaret's, Fish Street Hill*, Burr. S. C. 677. ii. 884.

a stall in a market (*u*); land for the planting of potatoes (*v*); aftermath (*w*); a cattlegate (*x*); right of common in gross (*y*); the pasture of land (*z*); the feeding of cows (*a*), sheep (*b*), &c. if they are to be fed upon the land (*c*); a dairy, or the right of milking certain cows (*d*), if the cows are to be fed upon land (*e*), and the land necessary for them be of the value of 10*l.* per annum (*f*); a coney warren (*g*); the fishery of a pond, with the right of taking rushes, flags, &c. from it (*h*), or the right alone of taking rushes, flags, &c. from a pond (*i*), or the right of taking sand from the bed of a river, where the soil is private property (*k*): have all respectively been holden tenements, which would confer a settlement. So, renting the tolls of a market (*l*), or other tolls (*m*), not being the tolls of a turnpike road (*n*), would confer a settlement. But hiring steam power, or the mere use of certain machinery in a mill, is not renting a tenement so as to confer a settlement (*o*). So, purchasing by auction growing corn nearly ripe, and cutting it, has been holden not to confer a settlement (*p*).

(*u*) *R. v. Caversham*, 4 B. and C. 688. ii. 886.

(*v*) *R. v. Shenstone*, Burr. S. C. 474. ii. 886.

(*w*) *R. v. Brampton*, 4 T. R. 348. ii. 887. *R. v. Stoke*, 2 T. R. 451. i. 888.

(*x*) *R. v. Whitley*, 1 T. R. 187. ii. 889.

(*y*) *R. v. Dersingham*, 7 T. R. 671. ii. 890.

(*z*) *R. v. Minchinhampton*, Burr. S. C. 316. Str. 874. ii. 891.

(*a*) *R. v. Benneworth*, 2 B. and C. 775. ii. 892. *R. v. Cherry Willingham*, 1 B. and C. 626. ii. 893. *R. v. Hollington*, 3 East, 113. ii. 894. *R. v. Minton*, 3 M. and S. 276. ii. 895.

(*b*) See *R. v. Bardwell*, 2 B. and C. 161. ii. 896.

(*c*) *R. v. Bardwell*, 2 B. and C. 161. ii. 896. *R. v. Sutton St. Edmund*, 1 B. and C. 536. ii. 897. *R. v. Tisbury*, 2 Nol. 19. ii. 898. *R. v. Thornham*, 6 B. and C. 733. ii. 899.

(*d*) *R. v. Piddletrenthide*, 3 T. R. 772. ii. 900. *R. v. Tolpuddle*, 4 T. R. 671. ii. 901. *R. v. Stoke-upon-Trent*, 10 East, 496. ii. 902. See *R. v. Lockerly*, Burr. S. C. 315. ii. 903. cont.

(*e*) *R. v. Oswald Twissel*, 1 B. and C. 588. cit. ii. 904. *R. v. Darley Abbey*, 14 East, 280. ii. 905.

(*f*) *R. v. Minworth*, 2 East, 196. ii. 906.

(*g*) *Kinver v. Stone*, Str. 678. ii. 907. *R. v. Piddletrenthide*, 3 T. R. 772. ii. 900.

(*h*) *R. v. Old Alresford*, 1 T. R. 358. ii. 908.

(*i*) *R. v. All Saints, Cambridge*, 1 B. and C. 23. ii. 909.

(*k*) *R. v. All Saints, Derby*, 5 M. and S. 90. ii. 910.

(*l*) *R. v. Chipping Norton*, 5 East, 239. ii. 911.

(*m*) *R. v. Bubwith*, 1 M. and S. 514. ii. 912. See *R. v. North Duffield*, 3 M. and S. 247. ii. 913.

(*n*) 3 Geo. 4. c. 126. s. 51. 13 Geo. 3. c. 84. s. 56; and see 54 Geo. 3. c. 17. s. 5. *R. v. Elvet*, 11 East, 98. ii. 914. *R. v. Denbigh*, 5 East, 333. ii. 915.

(*o*) *R. v. Mellor*, 2 East, 189. ii. 916. *R. v. Dodderhill*, 8 T. R. 449. ii. 917. *R. v. Tardebigg*, 1 East, 528. ii. 918.

(*p*) *R. v. Bowness*, 4 M. and S. 210. ii. 919.

But now, by 59 Geo. 3. c. 50, from and after the 2d

by 1819, the tenement must consist of a dwelling-house building, or of land, or of both (g).

Also by 6 Geo. 4. c. 57, from and after the 22d June 25, the tenement must consist of a dwelling-house or building, or of land, or of both (r).

g) See 59 Geo. 3. c. 50. See *R. v. Tonbridge*, 6 B. and C. 88. ii. 929.

r) See 6 Geo. 4. c. 57. s. 2.

2. Formerly, the tenement might consist of lodgings, a portion of a house, having an entrance in common with the landlord (s). But now, since the 2d July 1819, a tenement, if a dwelling-house or building, must be a separate and distinct dwelling-house or building (t).

s) *R. v. St. George's, Hanover Square*, Burr. S. C. 692. ii. 921. *R. v. Giles's in the Fields*, Burr. S. C. 798. ii. 863. *R. v. Whitechapel*, 100. ii. 922.

t) 59 Geo. 3. c. 50. 6 Geo. 4. c. 57. s. 2. See *R. v. North Collingham*, 3. and C. 578. ii. 923.

3. Under the statute of Charles, also, the tenement need not have been one and entire, but might have consisted of several and distinct tenements, holden of different landlords (u); and if one were in one parish, and another in another (v), or if an entire tenement lay in different parishes (w), it would have been sufficient. But an occupation as tenant, could not be coupled with an occupation as landlord or freeholder (x). On the other hand, if two or more occupied as joint tenants, &c., and their moieties respectively were of the value of 10*l.* annually each, each of them might thereby gain a settlement (y); otherwise not (z); or if one rented 5*l.* in severalty, and 10*l.* in joint tenancy, &c. with another, it would confer a settlement (a).

(u) *North Nibley v. Wotton-under-Edge*, Set. and Rem. 86. 2 Bott. 112. 1. 934. *R. v. St. Margaret, Fish Street Hill*, Burr. S. C. 677. 2 Bott. 118. 1. 864. *Awre v. Newnham*, Burr. S. C. 756. ii. 925.

(v) *R. v. Donington*, Burr. S. C. 744. 2 Bott. 118. ii. 926. *R. v. Sandrich*, Burr. S. C. 44. ii. 927. *R. v. Stapleford*, 2 Bott. 114. 1 Sess. Ca. 414. 1. 928. *R. v. St. Lawrence, in Winchester*, Burr. S. C. 688. ii. 929. *R. v. Hilsonley*, 1 T. R. 468. ii. 930. *R. v. Culmstock*, 6 T. R. 730. ii. 931.

(w) *South Sydenham v. Lamerton*, 1 Str. 57. 2 Bott. 128. ii. 932. *St. John's v. Amwell*, Str. 529. ii. 933. *Eisted v. Hollibourne*, Str. 849. 2 Bott. 13. ii. 934.

(x) *R. v. St. John's, Glastonbury*, 1 B. and A. 481. ii. 935. *R. v. South Lambeth*, 1 M. and S. 154. ii. 936.

(y) *R. v. Duns Tew*, Burr. S. C. 398. ii. 937. *R. v. Seamer*, 6 T. R. 554. 1. 938.

(z) *Croft v. Gainsford*, 2 Bott. 129. ii. 939. *R. v. Marden*, Burr. S. C. 11. ii. 940.

(a) See *R. v. Kniveton*, Burr. S. C. 499. ii. 491.

And even under the recent acts, a man may acquire a settlement, by renting a tenement consisting of several parcels, rented of several persons, at different times, provided he hold them all together for one year, and the aggregate rents of them amount to 10*l.* at least (*b*). But the whole must be situate within the parish or township, in which the settlement is to be acquired (*c*).

(*b*) *R. v. North Collingham*, 1 B. and C. 578. ii. 923.

(*c*) See 59 Geo. 3. c. 50. 6 Geo. 4. c. 57. s. 2.

4. Under the statute of Charles, all that was required, in order to gain the settlement, was, that the party should have come to settle upon a tenement of the value of 10*l.* a year. And therefore whether he occupied as tenant for term of years, or from year to year, or at will (*d*), or under a good or defective title (*e*), (provided the possession were not gained by fraud (*f*),) or whether he was to pay his rent in money or in services (*g*), or whether the rent was to be paid by him or by a surety (*h*), or whether, in fact, rent was to be paid at all, or not (*i*), was wholly immaterial. But where the enjoyment of the tenement was merely collateral to a principal matter not relating to the tenement (*k*), or where it was given to a servant merely to enable him to perform the duties of his situation (*l*), no settlement could be acquired by it. It was immaterial also whether the party took the tenement for a year, or for a longer or shorter time (*m*), provided he held it forty days at the least. And parol evidence of this

(*d*) *R. v. Fillongley*, 1 T. R. 458. ii. 930. *R. v. Chediston*, 4 B. and C. 231. ii. 942. *R. v. Lackenheath*, 1 B. and C. 531. ii. 943. See *R. v. Culmstock*, 6 T. R. 730. ii. 931. *R. v. St. Michael, in Coventry*, 15 East, 567. ii. 944. *R. v. Aldborough*, 1 East, 597. ii. 945.

(*e*) *R. v. Netherseal*, 4 T. R. 258. ii. 946. *R. v. Old Alresford*, 1 T. R. 358. ii. 908.

(*f*) *R. v. St. Michael's, in Bath*, Doug. 630. ii. 947.

(*g*) *R. v. St. Margaret, Fish Street Hill*, Burr. S. C. 677. 2 Bott, 118. ii. 884. *R. v. Melkridge*, 1 T. R. 598. ii. 948. *R. v. Minster*, 3 M. and S. 276. ii. 896. *R. v. Benniworth*, 2 B. and C. 775. ii. 892. See *R. v. Lackenheath*, 1 B. and C. 531. ii. 943.

(*h*) *R. v. Butley*, Burr. S. C. 107. ii. 881. *R. v. Hooe*, 4 East, 362. ii. 949.

(*i*) *R. v. Fillongley*, 1 T. R. 458. ii. 930. *R. v. Fritwell*, 7 T. R. 197. ii. 950.

(*k*) See *R. v. Hammersmith*, 8 T. R. 450. n. ii. 951. *R. v. Seacroft*, 3 M. and S. 472. ii. 223.

(*l*) *R. v. Kelstern*, 5 M. and S. 136. ii. 952. *R. v. Cheshunt*, 1 B. and A. 473. ii. 953. See *R. v. Bardwell*, 2 B. and C. 161. ii. 896. *R. v. Minster*, 3 M. and S. 276. ii. 896. *R. v. Benniworth*, 2 B. and C. 775. ii. 892. *R. v. Melkridge*, 1 T. R. 598. ii. 948. *R. v. Shipdam*, 3 D. and R. 384. ii. 964.

(*m*) *R. v. St. Matthew's, Bethnal Green*, Burr. S. C. 574. ii. 878. *R. v. Shurston*, Burr. S. C. 474. ii. 886. *R. v. Staunton-under-Bardon*, Burr. S. C. 558. ii. 955.

occupancy has been holden to be admissible, although the tenement was held under a written agreement (n); but in the case of a settlement under the recent statutes, it would be otherwise, because in that case it would be necessary to prove, not only the occupancy, but also the terms under which the tenement was occupied (o).

(n) *R. v. Holy Trinity, Hull*, 7 B. and C. 611. ii. 956.

(o) See *R. v. Castle Morton*, 3 B. and A. 588. ii. 967.

But by stat. 59 Geo. 3. c. 50, from the 2d July 1819, a house, building, or land constituting the tenement, must be *bond fide* hired for the term of one whole year (p), the sum of 10*l.* a year at least; and the house or building shall be held, and the land occupied (q), and the rent for the same actually paid (r), for the term of one whole year at the least, by the person hiring the same.

And now, by 6 Geo. 4. c. 57. s. 2, from the 22d June 1825, the dwelling-house or building, or land, must be *bond fide* rented by the party, for the sum of 10*l.* a year at the least, for the term of one whole year (s), and must be occupied under such yearly hiring (t), and the rent (u) for the same, to the amount of 10*l.*, actually paid, for the term of one whole year at the least.

(p) See *R. v. Tonbridge*, 6 B. and C. 88. ii. 920. *R. v. Bathwick*, 4 D. and C. 335. ii. 957.

(q) See *R. v. Stow*, 4 B. and C. 87. ii. 958. *R. v. Crayford*, 6 B. and C. 111. ii. 959. *R. v. Ampthill*, 2 B. and C. 847. ii. 46. *R. v. Barham*, 8 B. and C. 99. ii. 960.

(r) See *R. v. Carshalton*, 6 B. and C. 98. ii. 961. *R. v. Barham*, 8 B. and C. 99. ii. 960.

(s) See *R. v. Hurstmonceaux*, 7 B. and C. 551. ii. 962.

(t) See *R. v. Stow*, 4 B. and C. 87. ii. 958.

(u) See *R. v. Ramsgate*, 6 B. and C. 712. ii. 963. *R. v. Ashley Hay*, 7 B. and C. 27. ii. 964. *R. v. Kibworth Harcourt*, 7 B. and C. 790. ii. 965.

5. Under the statute of Charles, the yearly value, and not the rent of the tenement, was considered: if the yearly value were 10*l.* or more, at the time the party first began to occupy the tenement (v), it was little matter what rent (w), or whether any (x), was to be paid for it; although, in the absence of proof of the value, the rent would be deemed *prima facie* evidence of it (y). So, if

(v) *R. v. Aston*, 6 M. and S. 54. ii. 966.

(w) *South Sydenham v. Lamerton*, 1 Str. 57. 2 Bott, 128. ii. 932. *R. v. Southwold*, Burr. S. C. 140. ii. 968. *R. v. Bilsdale Kirkham*, Burr. S. C. 28. ii. 969. See *R. v. Weston*, Burr. S. C. 166. Str. 1156. ii. 715.

(x) *R. v. Fillongley*, 1 T. R. 458. ii. 930. *R. v. Fritwell*, 7 T. R. 197. ii. 960.

(y) *R. v. Weston*, Burr. S. C. 166. Str. 1156. ii. 715. *R. v. Kniveton*, Burr. S. C. 439. ii. 941.

the tenement were holden jointly by two or more, all would gain settlements, if the portion of each was of the value of 10*l.* or upwards (*a*); but not otherwise (*a*). So, if a man took a tenement of the value of 10*l.* a year, and underlet a part (*b*), or even the whole (*c*) of it, he would thereby gain a settlement. And if the value of the tenement were enhanced to 10*l.*, by the house, &c. being furnished (*d*), or the land cropped or tilled (*e*), or the taxes paid (*f*) by the landlord, this would not prevent the settlement. But a weekly value amounting to 10*l.* in the year, would not have been sufficient, if the value by the year, at a yearly letting, would not have amounted to 10*l.* (*g*).

(*a*) *R. v. Duns Tew*, Burr. S. C. 398. ii. 937. *R. v. Seamer*, 6 T. R. 564. ii. 938. See *R. v. Newnham*, Burr. S. C. 756. ii. 979.

(*a*) *Croft v. Gainsford*, 2 Bott, 129. ii. 939. *R. v. Marden*, Burr. S. C. 311. ii. 940. *R. v. Kniveton*, Burr. S. C. 499. ii. 941.

(*b*) *R. v. Lakenheath*, 1 B. and C. 531. ii. 948. *R. v. Llandoverra*, Burr. S. C. 571. ii. 971. See *R. v. Newnham*, Burr. S. C. 756. ii. 979.

(*c*) *R. v. Maghull*, Cald. 429. 2 Bott, 137. ii. 972.

(*d*) *R. v. Whitechapel*, 2 Bott, 190. ii. 922. See *R. v. North Bedlam*, Cald. 452. 2 Bott, 101. ii. 978. And see *R. v. Londonthorpe*, 6 T. R. 564. ii. 982.

(*e*) *R. v. Purley*, 16 East, 126. ii. 974. *R. v. West Cramore*, 3 M. and S. 132. ii. 975. *R. v. Ringwood*, 1 M. and S. 381. ii. 976.

(*f*) *R. v. St. Paul's*, Deptford, 15 East, 320. ii. 977. *R. v. Framlingham*, Burr. S. C. 748. ii. 978.

(*g*) *R. v. Hellingly*, 10 East, 41. ii. 979.

But under the recent statutes, there must be a rent amounting to 10*l.* a year at least, contracted for and paid (*h*); and by 6 Geo. 4. c. 57. s. 2, it is provided that in cases of settlements acquired by renting a tenement after the 22d June, 1825, it shall not be necessary to prove the actual value of the tenement. Under the stat. 59 Geo. 3. c. 50, if a man rented a tenement at 10*l.* a year, and underlet a part, this would gain a settlement, in the same manner as under the statute of Charles (*i*); but it may be doubted, perhaps, whether this is the case under the stat. 6 Geo. 4. c. 57. s. 2.

(*h*) *Vide supra*.

(*i*) *R. v. Ditchat*, 9 B. and C. 176. ii. 980. confirmed by *R. v. Bentley*, H. 1830. M8. ii. 981.

2. *As to the Party entitled to the Settlement.*

The person who actually occupies the tenement (*k*), or

(*k*) See *R. v. Chediston*, 4 B. and C. 231. ii. 942.

whom it is let as tenant (*l*), is the person who gains the settlement, although a surety be taken for the rent (*m*), although the credit be given to another for the whole (*n*), part of it (*o*). It was not necessary, formerly, that there should be an express contract between the parties (*p*); but under the recent statutes, from the 2d July 19, there must be an actual hiring or renting of the tenement (*q*).

l) See *R. v. Llandverras*, Burr. S. C. 571. ii. 971. *R. v. Maghull*, Cald. 2 Bott, 127. ii. 972.

m) *R. v. Butley*, Burr. S. C. 107. ii. 881.

n) *R. v. Chediston*, 4 B. and C. 231. ii. 942.

o) *R. v. Hooc*, 4 East, 362. ii. 949.

p) See *R. v. Aldborough*, 1 East, 597. ii. 945. *R. v. Netherseal*, 4 T. R. 1. ii. 946.

q) See *ante*, p. 66, 71.

A soldier, whilst at barracks, took a house for himself and family, at a rent exceeding 10*l.* a year, and resided there forty days: it was holden, that he thereby gained a settlement (*r*). But where a house was taken by a soldier's wife in his absence, and he afterwards deserted, and concealed himself in the house for forty days, no settlement was gained by it (*s*).

r) *R. v. Brighelmstone*, 1 B. and A. 270. ii. 982.

s) *R. v. Ashton-under-Lyne*, 4 M. and S. 357. ii. 983.

A foreigner might formerly have gained a settlement by renting a tenement (*t*). And it should seem that he may do so yet, notwithstanding the recent statutes; for though he is now obliged to hire or rent the tenement, and this cannot legally be done by a foreigner, (except by a foreign merchant for the purpose of his residence,) yet as the term would vest in him until office found, such title, and residence under it, would probably be deemed sufficient to confer a settlement.

t) *R. v. Eastbourne*, 4 East, 103. ii. 473.

A certificate-man, by taking a lease of a tenement of any value, or at the rent required, as already mentioned, may gain a settlement in the parish or township to which he is certificated (*u*).

u) 9 & 10 W. 3. c. 11. *R. v. Stapleford*, 1 Sess. Ca. 414. 2 Bott, 114. ii.

28. *R. v. Framlingham*, Burr. S. C. 749. ii. 978. *R. v. Bowling*, Burr.

S. C. 177. ii. 984. *R. v. Findern*, Cald. 426. 2 Bott, 582. ii. 985. *R. v.*

roft, 3 B. and A. 171. ii. 986.

No collector, or person renting tolls on turnpike roads,
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or residing in the toll-house, shall thereby gain a settlement (v). But he may gain a settlement by renting any other tenement in the same parish or township (w).

(v) 3 Geo. 4. c. 126. s. 51. 13 Geo. 3. c. 84. s. 56; and see 54 Geo. 3. c. 170. s. 6. R. v. Elvet, 11 East, 98. ii. 914.

(w) R. v. Denbigh, 5 East, 888. ii. 916.

Prisoners in the King's Bench prison, or the rule thereof, shall not gain a settlement in the parish of St. George the Martyr, by renting a tenement there (x); and shall prisoners in any prison gain a settlement by renting a tenement within the district, &c. within which they are confined on any civil process, or for contempt (y).

(x) 23 Geo. 3. c. 23. s. 1.

(y) 54 Geo. 3. c. 170. s. 4. See St. Margaret's, Westminster, v. Martin's, Ludgate, 2 Bott. 97. Str. 924. ii. 987. R. v. St. George the Martyr, in Southwark, 7 T. R. 466. ii. 988.

No person, by residence in any house, &c. within the forest of *Alice Holt*, shall gain a settlement in the parish of Binsted, in the county of Southampton (z). And persons residing in any house or dwelling provided for them by any charitable institution, shall not thereby gain a settlement (a).

(z) 52 Geo. 3. c. 72. s. 8.

(a) 54 Geo. 3. c. 170. s. 6.

3. As to the Residence required.

Under the statute of Charles, there must have been residence for forty days, not necessarily upon the tenement (b), but within the parish or township in which it, or some part of it, was situate (c). If the tenement were entire, and one part were situate in one parish and another in another, the settlement would be in that parish in which the dwelling-house was situate, or in which the tenant actually resided (d). So, if the tenement consisted of several parcels, one in one parish or township, another in another, in one of which parishes or townships the tenant resided, the settlement would be in that parish or township in which the tenant resided (e); and if he had

(b) R. v. Kenardington, 6 B. and C. 70. ii. 989.

(c) R. v. Topcroft, Cald. 478. 2 Bott. 145. ii. 990. R. v. Knights, 2 T. R. 48. ii. 991. R. v. Dilwyn, Burr. S. C. 54. ii. 992.

(d) South Sydenham v. Lamerton, 1 Str. 57. ii. 932. St. John's v. Amwell, 1 Str. 529. ii. 938.

(e) See R. v. Fritwell, 7 T. R. 197. ii. 950.

dged forty days in each of two or more respectively, on the parish in which he slept or lodged the last night during the occupancy, was the place of his settlement (*f*).

he removed, or were removed even forcibly, from his tenement, before the forty days have elapsed, he gained no settlement (*g*), even although his wife and family resided there the remainder of the forty days (*h*), unless indeed he returned and resided (*i*). Where a butcher occupied stalls in a market for nineteen weeks, but he was allowed access to them only two days in each week, the market being shut up the remaining five, this was holden to be an occupation for thirty-eight days only (*k*). Where a man and his wife resided sixteen days on a tenement, and the man then died, and his widow afterwards resided on the same tenement thirty-three days: it was holden that her residence during her widowhood, could not be coupled with the sixteen days residence during her husband's lifetime, so as to give her a settlement (*l*).

(*f*) *R. v. Lowess*, Burr. S. C. 825. ii. 696. *R. v. St. Mary, Lambeth*, 1 T. R. 240. ii. 968. *R. v. Ringwood*, 1 M. and S. 381. ii. 976.

(*g*) *R. v. Llanbedergoch*, 7 T. R. 106. ii. 994.

(*h*) *R. v. St. George the Martyr, Southwark*, 7 T. R. 466. ii. 968. *R. v. St. Mary, Lambeth*, 8 T. R. 240. ii. 968. See *R. v. Leeds*, Burr. S. C. 524. l. 67. *same*, cont.

(*i*) *R. v. Fillongley*, 2 T. R. 709. ii. 58.

(*k*) *R. v. Caversham*, 4 B. and C. 685. ii. 835.

(*l*) *R. v. South Lynn*, 5 T. R. 664. ii. 996.

Also, under the stat. 59 Geo. 3. c. 50, it seems that it is not necessary that the party should reside upon the tenement; if he reside forty days in the parish in which the tenement is situate, it is sufficient (*m*). And the same perhaps under stat. 6 Geo. 4. c. 57. s. 2.

(*m*) *R. v. Wainfleet All Saints*, 8 B. and C. 227. ii. 996.

Where the tenement is sufficient under the statute of Charles, but not under the recent acts, it must appear that the forty days residence had expired before the 2d July, 1819, when the stat. 59 Geo. 3. c. 50. began to operate, otherwise no settlement will be gained by it (*n*).

(*n*) *R. v. St. Mary-le-Bone*, 4 B. and A. 681. ii. 997. *R. v. Brighthelmston*, 1 D. and R. 813. ii. 996.

4. *Fraud, Effect of.*

If there appear to be fraud in the taking, &c. it will defeat the settlement (*o*). But the court will not presume

(*o*) *R. v. Woodland*, 1 T. R. 261. ii. 999.

fraud; the sessions must state it (*p*); and if the sessions state it to be fraudulent, it is conclusive (*q*).

(*p*) *R. v. Fillongley*, 2 T. R. 709. ii. 68. See *ante*, p. 54.

(*q*) *R. v. Llanwinio*, 4 T. R. 473. ii. 161.

Special Case. The special case must describe the nature of the tenements (*r*).

(*r*) *R. v. North Bedburn*, Cald. 452. 2 Bott, 161. ii. 978.

8. SETTLEMENT BY ESTATE.

Formerly, if a man resided on his own estate (*s*), even elsewhere in the parish in which it was situate (*t*), he could not be removed from it; and his residing there irremovable during forty days, was holden to confer a settlement (*u*). This led to many frauds; for as the value of the estate was in this respect immaterial (*v*), poor persons were in the habit of purchasing small estates for trifling sums, for the very purpose of gaining a settlement, and thereby became permanent burthens to the parish in which such estates were situate. To prevent this, it was enacted by stat. 9 Geo. 1. c. 7. s. 5, that no person shall be deemed to acquire a settlement by virtue of any purchase of an estate, unless the consideration amount to 30*l*. And thus the law stands at present. In treating of this mode of settlement more minutely, we shall consider it under the following heads: 1st, where the estate is acquired by descent, devise, &c. or in any other manner than by buying it; and, 2dly, where the estate has been bought by the party.

(*s*) *R. v. Houghton-le-Spring*, 1 East, 247. ii. 1000.

(*t*) *R. v. Hasfield*, Burr. S. C. 147. ii. 1001. *Ryslip v. Harrow*, 2 Salk. 524. ii. 1002. *R. v. Sowton*, Burr. S. C. 125. ii. 1003. *R. v. St. Nyott's*, Burr. S. C. 132. ii. 1004.

(*u*) *R. v. Brington*, 7 B. and C. 546. ii. 1005. See *Harrow v. Edgeware*, Fol. 257. 2 Bott, 465. ii. 1006. *R. v. Leeds*, Burr. S. C. 524. ii. 1007.

(*v*) See *Harrow v. Edgeware*, Fol. 257. 2 Bott, 465. ii. 1006.

1. *Estate by Descent, Devise, &c.*

an estate may be freehold or copyhold (*w*); may be held either in fee simple, fee tail, for life (*x*), for years (*y*), from year to year (*z*), or by tenant by the curtesy (*a*), or tenant in dower (*b*); and may be holden in severalty, coparcenary (*c*), joint tenancy, or in common (*d*). The party also may enjoy it in his own right or as guardian in socage (*e*), mortgagee (*f*), creditor (*g*), executor (*h*), administrator (*i*), &c. It may come to him by descent (*k*), devise (*l*), by marriage (*m*), by conveyance for the consideration of natural love and affection (*n*), or in any other manner than by legal title (*o*). Nor is it necessary that the party should have a strictly legal title; if he have an equitable interest, as a court of equity would as of course execute, it is sufficient (*p*). So, if a woman be entitled to an estate in

Harrow v. Edgeware, Fol. 257. 2 Bott, 465. ii. 1006. *R. v. Ingleton*, 1 C. 560. ii. 1006.
See R. v. Stockley Pomroy, Burr. S. C. 762. ii. 1009.
Mursley v. Grandborough, Str. 97. ii. 1010. *R. v. Sundrish*, Burr. S. C. 11. *R. v. Marwood*, Burr. S. C. 886. ii. 1012. *See R. v. Widworthy*, 1 C. 109. ii. 1018. *R. v. St. Mary, Whitechapel*, Burr. S. C. 55. ii. 1015. *R. v. Tarrant Launceston*, Cald. 209. ii. 1015.
R. v. Stone, 6 T. R. 295. ii. 1016.
See R. v. Great Farringdon, 6 T. R. 679. ii. 1017.
R. v. Painswick, Burr. S. C. 788. ii. 1018. *See R. v. Northweald*, 2 B. and C. 724. ii. 1019. *R. v. Long Wittenham*, 2 Bott, 530. ii. 1020.
R. v. Dorstone, 1 East, 296. ii. 1021.
R. v. Brington, 7 B. and C. 546. ii. 1006.
R. v. Oakley, 10 East, 491. ii. 1022. *See R. v. Toddington*, 1 B. and A. 1023. *R. v. Wilby*, 2 M. and S. 504. ii. 1024.
See R. v. Stockland, Burr. S. C. 169. ii. 1027.
See R. v. Edington, 1 East, 238. ii. 1025. *See also R. v. Tarrant Launceston*, 3 East, 226. ii. 1026.
R. v. Sundrish, Burr. S. C. 7. ii. 1011. *R. v. Uttoxeter*, Burr. S. C. 1023. *R. v. Stone*, 6 T. R. 295. ii. 1016.
Mursley v. Grandborough, Str. 97. ii. 1010.
Whitbottle v. Wyley, Str. 608. ii. 1029. *R. v. Great Farringdon*, 6 T. R. 79. ii. 1017.
See R. v. Woburn, Burr. S. C. 785. ii. 1030.
Mursley v. Grandborough, Str. 97. ii. 1010. *R. v. Brungwyn*, 2 Bott, 1031. *R. v. Ilmington*, Burr. S. C. 566. ii. 1032. *R. v. Offchurch*, 114. ii. 455.
R. v. Ingleton, Burr. S. C. 560. ii. 1006. *R. v. Marwood*, Burr. S. C. 1012. *See R. v. Sawbridgworth*, Burr. S. C. 56. ii. 1033. *semb. const.*
See R. v. Owersley le Moor, 15 East, 356. ii. 1034. *R. v. Brungwyn*, 453. ii. 1031.
See R. v. Wivellingham, Doug. 767. ii. 301. *R. v. Offchurch*, 2 T. R. 455. *R. v. Lopen*, 2 T. R. 577. ii. 1035. *R. v. Catherington*, 3 T. R. 1036. *R. v. Darlington*, 5 M. and S. 433. ii. 1037. *R. v. Belford*, and C. 54. ii. 1038.

any of these ways, her husband will gain a settlement by residence on it, or in the parish in which it is situated. And it is no objection that the party's title to the was disputable (*r*), provided he did not obtain possession &c. by fraud (*s*). It has been already mentioned, that a man buy an estate for less than 30*l.*, he shall gain a settlement by a residence upon it (*t*); yet if he die, the estate come to his heir or devisee, the heir or devisee may gain a settlement by it (*u*); or if the vendee be a woman, and she afterwards marry, her husband may gain a settlement by it, and she a derivative settlement by her husband (*v*). So, if a man take a lease of a tenement at a rent less than 10*l.* a year, we have seen that he may not gain a settlement by it (*w*); yet if he die, and the tenement come into the possession of his executor or administrator, the executor or administrator may gain a settlement by it (*x*); or if the lessee be a woman, and she marry during the term, her husband may gain a settlement by it (*y*). The next of kin (if there be more than one) gain no settlement by a residence on the real estate of the intestate, before administration and distribution (*z*); if there be one only, it is otherwise (*a*). The heir at law, it seems, gains no settlement by residence in the parish where his estate is situated, but has reduced his estate into possession (*b*). And though in all cases must have a present interest in the estate, however trifling that interest may be: where a man has a freehold estate, which was leased to another for a thousand years at a pepper corn rent, was allowed

(*q*) *Mursley v. Grandborough*, Str. 97. ii. 1010. *R. v. Brungwy*, 483. ii. 1031; and see *R. v. Ilmington*, Burr. S. C. 566. ii. 1032. *church*, 3 T. R. 114. ii. 455.

(*r*) *Ashbrittle v. Wyley*, Str. 608. ii. 1029. *R. v. Cold Ashton*, B. 444. ii. 299. *R. v. Garway*, Burr. S. C. 632. ii. 1039. *R. v. Bittu*, S. C. 631. ii. 1040. *R. v. Lopen*, 2 T. R. 577. ii. 1035. *R. v. Butterto*, 554. ii. 1041. *R. v. Calow*, 3 M. and S. 22. ii. 1042. *R. v. Brungwy*, 483. ii. 1031.

(*s*) *R. v. St. Michael's*, Bath, Doug. 630. ii. 947.

(*t*) *Vide supra*, 9 Geo. 1. c. 7. s. 5.

(*u*) *R. v. Holm East Waver Quarter*, 16 East, 127. ii. 1043.

(*v*) *R. v. Ilmington*, Burr. S. C. 566. ii. 1032.

(*w*) See *ante*, p. 66.

(*x*) *R. v. Sundrish*, Burr. S. C. 7. ii. 1011. *R. v. Stone*, 6 T. R. 1016. *Mursley v. Grandborough*, Str. 97. ii. 1010.

(*y*) *R. v. Ynyscynanarn*, 7 B. and C. 253. ii. 1044.

(*z*) *R. v. Widworthy*, Burr. S. C. 109. ii. 1013. *R. v. North Cu*, 137. ii. 1045. *R. v. Lower Swell*, Burr. S. C. 436. ii. 1046. *R. Magna*, Cald. 365. ii. 1047. *R. v. Berkswell*, 1 B. and C. 542. ii. 1048. *R. v. Cold Ashton*, Burr. S. C. 444. ii. 299.

(*a*) *R. v. Horsley 8 East*, 405. ii. 1049.

(*b*) *R. v. Great Farringdon*, 6 T. R. 679. ii. 1017.

side upon it for more than forty days, it was holden that he thereby gained a settlement (c); but the residence of a remainderman, during the existence of the previous estate, will confer no settlement (d). It is no objection that the party entitled was an infant (eight years of age) at the time of his residence (e).

- (c) *R. v. Staplegrove*, 2 B. and A. 527. ii. 1050.
 (d) *R. v. Ringstead*, 9 B. and C. 218. ii. 1061. See *R. v. Willoughby*, with *Sloothby*, 10 B. and C. 62. ii. 1052.
 (e) *R. v. Hasfield*, Burr. S. C. 147. ii. 1001.

The estate may consist of a house, land, &c.; but an annuity will not confer a settlement (f); nor will a mere right of common in gross, not exercised (g). The value of the estate is immaterial (h).

- (f) *R. v. Stockley Pomroy*, Burr. S. C. 762. ii. 1009. *R. v. Melborne*, Burr. S. C. 244. ii. 804. See *R. v. Belford*, 10 B. and C. 54. ii. 1038.
 (g) *R. v. Warkworth*, 1 M. and S. 478. ii. 1053.
 (h) *Harrow v. Edgware*, Fol. 267. 2 Bott, 465. ii. 1006.

To acquire a settlement thus by estate, however, it is not sufficient that a man have an estate in the parish (i), but he must also reside either upon it (i), or in the same parish in which it is situate (k), during forty days (l), either consecutively, or at different times (m); a residence by his wife or family, without him, will not be sufficient (n). It is not necessary that he should actually occupy it himself; he may occupy it by his tenant (o).

- (i) *Wookey v. Hinton Blewet*, Str. 476. ii. 1054.
 (k) *Ryalip v. Harrow*, 2 Salk. 524. ii. 1002. *R. v. Sowton*, Burr. S. C. 125. ii. 1003. *R. v. St. Nyott's*, Burr. S. C. 132. ii. 1004.
 (l) *R. v. West Shefford*, Burr. S. C. 307. ii. 1055.
 (m) *R. v. Sowton*, Burr. S. C. 125. ii. 1003. *R. v. St. Nyott's*, Burr. S. C. 132. ii. 1004.
 (n) *R. v. Aythorp Rooding*, Burr. S. C. 412. ii. 66. *Berkhamstead v. St. Mary, Northchurch*, 2 Bott, 33. 2 Sess. Ca. 182. ii. 434.
 (o) *R. v. Dorstone*, 1 East, 296. ii. 1037. *R. v. Houghton le Spring*, 1 East, 247. ii. 1000.

A certificate-man may gain a settlement in the parish to which he is certificated, by becoming entitled to an estate in it by descent or devise, &c. (p), and not by his own act (q).

- (p) *R. v. Shenstone*, Burr. S. C. 468. ii. 300. *Burclear v. Eastwoodhay*, 8tr. 163. Burr. S. C. 221. ii. 296. *R. v. Cold Ashton*, Burr. S. C. 444. ii. 290. *R. v. Ufton*, 3 T. R. 251. ii. 1056. *R. v. Stansfield*, Burr. S. C. 205. ii. 126. *R. v. Wivelingham*, Doug. 767. ii. 301. *R. v. Wobourn*, Burr. S. C. 785. ii. 1030. *R. v. Long Wittenham*, 2 Bott, 530. ii. 1020. See *R. v. Warblington*, 1 T. R. 241. ii. 281.
 (q) See *R. v. Great Driffeld*, 8 B. and C. 694. ii. 295.

2. Estate bought by the Pauper.

Formerly there was no difference in effect between an estate bought by a man, and one which came to him by descent, devise, marriage, &c., with respect to his settlement; in both cases his residing either upon the estate, or in the parish in which it was situate, during forty days, gave him a settlement in the parish, no matter what the value of the property might be. But by stat. 9 Geo. I. c. 7. s. 5, from and after the 25th March 1723, no person shall be deemed to acquire a settlement in any parish, by reason of any "purchase" of an estate or interest in such parish, whereof the consideration shall not amount to the sum of 30*l.*, *bond fide* paid, for any longer time than such person shall inhabit in such estate, and shall then be liable to be removed, &c. (*r*). Therefore, as to estates purchased for 30*l.* or upwards, they confer a settlement on the vendee, in the same manner as before the statute. But as to estates purchased for a less sum than 30*l.*, although the vendee or his family cannot be removed from them, whilst they actually reside upon them, even although he or they become chargeable (*s*), yet they confer no settlement, but the vendee's settlement remains the same as before the purchase. Nor do his children gain any settlement by them, during the vendee's life time (*t*). After his death, indeed, his heir or devisee may gain a settlement by the estate (*u*); or if the vendee be a woman, and she afterwards marry, her husband may gain a settlement by it, and she a derivative settlement from her husband (*v*): as already mentioned (*w*).

(*r*) See 9 Geo. I. c. 7. s. 5.

(*s*) *R. v. Martley*, 5 East, 40. ii. 1057.

(*t*) *R. v. Salford*, Burr. S. C. 516. ii. 422.

(*u*) *R. v. Holm East Waver Quarter*, 12 East, 127. ii. 1043.

(*v*) *R. v. Ilmington*, Burr. S. C. 566. ii. 1082.

(*w*) *Ante*, p. 78.

The word "purchase," in the statute, must be understood, not in its legal technical sense, but in the common acceptation of the term. Therefore a devise of an estate, or a conveyance of an estate for the consideration of

ve and affection (*x*), or of that and money (*y*), license from the lord of a manor to build a n the waste (*z*), or a grant of a copyhold at a without fine (*a*), are not purchases within the of the statute; but a grant of a copyhold at a with a fine, is (*b*). So, merely surrendering an , and obtaining a new one, on payment of a , has been holden not to be a purchase within ing of the statute (*c*). A mortgagee, however, is a purchaser within the meaning of the act (*d*). purchase for upwards of 30*l.*, by a felon, un- , has been deemed sufficient to confer a settle-

Marwood, Burr. S. C. 386. ii. 1012. R. v. Charlton, 2 Bott,
E. v. Ingletton, Burr. S. C. 560. ii. 1008.
Upton, 3 T. R. 251. ii. 1066.
Hagworthingham, 1 B. and C. 634. ii. 1058.
Horndon-on-the-Hill, 4 M. and S. 562. ii. 1059; but see R. v.
a, 2 B. and A. 189. ii. 1060.
Warblington, 1 T. R. 241. ii. 281. R. v. Martley, 5 East, 40.

Tarrant Launceston, Cald. 209. ii. 1015.
t. v. Stockland, Burr. S. C. 169. ii. 1050.
Haddenham, 15 East, 463. ii. 428.

n a settlement by an estate purchased, the con- a paid for it must be 30*l.* at the least. Where base money of a copyhold estate, together with and fees to the court, amounted to 30*l.*, it was sufficient (*f*). So, any fees, &c. paid by the which ought to be paid by the vendor, may per- accounted as part of the purchase money. But paid by the purchaser of a copyhold estate, to attorney, for instructions for the surrender, power ey, &c. have been holden not to be part of the : money within the meaning of the act (*g*). So, afterwards laid out in building upon the premises, be deemed part of the 30*l.* (*h*). Where a man d the residue of a term for 47*l.*, and in three erwards mortgaged it for 45*l.*, it was holden suf-). So, where a man purchased an estate for 39*l.*, ick he paid, and the remaining 30*l.* was paid by of his by his order, for which 30*l.* he gave his mortgage on the estate in about a month after-

Paul's Walden v. Kempton, Fol. 238. ii. 1062.
Cottingham, 7 B. and C. 603. ii. 1063.
Dunchurch, Burr. S. C. 553. ii. 1064.
Stansfeld, Burr. S. C. 206. ii. 135.

wards, this was holden sufficient (*k*). So, where a man purchased an estate for 60*l.* which was mortgaged for 50*l.*, and paid 10*l.*; he afterwards paid off the mortgage with 50*l.* which he borrowed, and on the same day gave a mortgage for the 50*l.* to the person of whom he had borrowed it: this was holden sufficient (*l*). But where a man purchased an estate for 39*l.* which was already mortgaged for 32*l.*, and paid the 7*l.*, but never paid off the mortgage, it was holden to be in substance a purchase for 7*l.* only, and to confer no settlement (*m*). And in another case, where the mortgage ultimately was paid off, but the vendee did not reside in the parish for forty days afterwards, it was holden not sufficient (*n*). Where the consideration expressed in the conveyance was 28*l.* only, parol evidence was admitted to prove that 30*l.* was the sum actually given (*o*). That a part of the purchase money was paid by the overseers of the parish in which the party was before settled, will not vitiate the settlement, unless the sessions find it to have been done fraudulently (*p*). A settlement however is in no case gained, nor is the party irremovable, until the purchase is completed (*q*). And the estate purchased, must consist of a present interest, and not of a remainder (*r*).

(*k*) *R. v. Tedford*, Burr. S. C. 57. ii. 1065. *R. v. Acton Beauchamp*, Burr. S. C. 326. ii. 1066.

(*l*) *R. v. Chailey*, 6 T. R. 755. ii. 1067.

(*m*) *R. v. Mattingly*, 2 T. R. 12. ii. 1068.

(*n*) *R. v. Olney*, 1 M. and S. 387. ii. 1069.

(*o*) *R. v. Scammonden*, 3 T. R. 474. ii. 1070.

(*p*) *St. Paul's Walden v. Kempton*, Fol. 238. ii. 1062.

(*q*) *R. v. Geddington*, 2 B. and C. 129. ii. 1071. *R. v. Long Bennington*, 2 B. and C. 132. cit. ii. 1072. *R. v. Hagworthingham*, 1 B. and C. 634. ii. 1058. *R. v. Liantillio Grossenny*, 5 B. and C. 461. ii. 1073. *R. v. Woodpit*, 4 D. and R. 456. ii. 1074.

(*r*) *R. v. Easington*, 4 T. R. 177. ii. 1075. *R. v. Willoughby*, with sloothby, 10 B. and C. 62. ii. 1052.

It is now settled, that a certificate-man cannot gain a settlement by the purchase of an estate (*s*); although formerly ruled otherwise (*t*).

(*s*) *R. v. Great Driffield*, 8 B. and C. 634. ii. 295.

(*t*) *R. v. Stansfield*, Burr. S. C. 205. li. 136. *R. v. Deddington*, Burr. S. C. 220. ii. 1076. *Ivinghoe v. Stonebridge*, Str. 265. ii. 297.

9. SETTLEMENT BY SERVING OFFICE.

A person, who shall come to inhabit in any town, shall, for himself, and on his own account, exercise public annual office or charge in the said town, during one whole year, then he shall be admitted and deemed to have a legal settlement in the town.

Stat. and M. c. 11. s. 6.

It must be a "public annual office or charge" (*v*). Offices of constable (*w*), tithingman (*x*), borsholder (*y*), churchwarden (*z*), aleconner (*a*), warden of a borough (*b*), collector of taxes (*c*), parish clerk (*d*), and sexton (*e*), are held to be annual offices within the meaning of the act. But a curate is not such a public annual office (*f*); nor is the schoolmaster of a charity school, appointed by the charity of private individuals (*g*); nor, if he is the master or governor of the parish workhouse (*h*). It is not necessary that the office should be a public office, or that the party should be elected or appointed by the parishioners (*i*); if he be legally appointed (*k*), and be a public annual officer, it is sufficient.

R. v. Yalding, 3 D. and R. 252. ii. 1077. *R. v. Mersham*, 7 East, 78.

R. v. St. Maurice, in Winchester, Burr. S. C. 27. 2 Bott, 158. ii. 1080. *R. v. Hope Mansel*, Cald. 252. ii. 1080.

Grimscomb v. Sanford Peverell, Str. 544. ii. 1081. *Holy Trinity v. Jones*, Set. and Rem. 72. ii. 1082.

R. v. Wingham, Burr. S. C. 228. ii. 471.

R. v. Whittlesea, 4 T. R. 807. ii. 1083.

R. v. Whitchurch, Burr. S. C. 365. ii. 1084.

Mary v. St. Lawrence, in Reading, 10 Mod. 13. ii. 1085.

Ham v. Cook, Str. 411. 2 Bott, 156. ii. 1086. *R. v. Hammond*, 56. ii. 1087.

Atton v. Milwich, Salk. 536. ii. 1088. *R. v. St. Mary, Berkhamstead*, Ca. 182. ii. 303. See *R. v. Heptunhall*, Burr. S. C. 88. ii. 1089.

R. v. Liverpool, 3 T. R. 118. 2 Bott, 166. ii. 1090.

R. v. Over, Burr. S. C. 746. ii. 1091. *R. v. Wantage*, 2 East, 66. ii. 1092.

R. v. Melborne, 1 Wils. 87. Burr. S. C. 244. ii. 304.

R. v. Mersham, 7 East, 167. ii. 1078. See *R. v. Hambleton*, 4 B. and C. 1093. *R. v. Ilminster*, 1 East, 83. ii. 1094.

See the cases above cited.

R. v. Wingham, Burr. S. C. 223. ii. 471. *R. v. Winterbourn*, C. 520. ii. 1095. *Holy Trinity v. Garsington*, Set. and Rem. 72. ii.

R. v. Hambleton, 4 B. and C. 459. ii. 1093.

He must exercise the office in the parish (*l*); but when

R. v. Amblech, 4 B. and C. 737. ii. 127.

ther the office extend to the whole parish, or to part of it only (*m*), or to that parish and several others (*n*), is immaterial. If the office extend to several parishes, the party gains the settlement in that parish in which he resides (*o*).

(*m*) *R. v. Whitchurch*, Burr. S. C. 365. ii. 1084. *R. v. Fittleworth*, Burr. S. C. 238. ii. 1096.

(*n*) *R. v. St. Maurice*, in Winchester, Burr. S. C. 27. ii. 1079. *St. Mary v. St. Lawrence*, in Reading, 10 Mod. 13. ii. 1066. *R. v. Liverpool*, 3 L.R. 118. ii. 1090.

(*o*) *R. v. St. Maurice*, in Winchester, Burr. S. C. 27. ii. 1079. *St. Mary v. St. Lawrence*, in Reading, 10 Mod. 13. ii. 1066. *R. v. Liverpool*, 3 L.R. 118. ii. 1090. See *R. v. Amiwch*, 4 B. and C. 757. ii. 127. *R. v. Hamblendon*, 4 B. and C. 459. ii. 1098.

He must not only be appointed for a year, but he must exercise the office for one whole year (*p*); serving for two half-years, at different times, (although by custom the party was to serve the office for half a year only) was holden insufficient (*q*). Nor is the party irremovable during the time he is serving the office; and if he become chargeable, and be removed before his year of office expires, he gains no settlement (*r*). So, if he be discharged from his office, although wrongfully, before his year of office expires, he gains no settlement (*s*). Whether he must reside in the parish during the whole year, has never been decided; but at all events he must reside there forty days during his year of office, as in other cases of settlement.

(*p*) *R. v. Bow*, 8 T. R. 445. ii. 1097.

(*q*) *R. v. Cold Ashton*, Burr. S. C. 444. ii. 299.

(*r*) *R. v. Fittleworth*, Burr. S. C. 238. ii. 1096.

(*s*) *R. v. Holy Cross*, Westgate, 4 B. and A. 619. ii. 1098.

And he must serve the office "for himself and on his own account," and not as deputy to another (*t*). The office of assistant overseer, elected and appointed under stat. 59 Geo. 3. c. 12, however, will confer a settlement; for it is in fact a substantive office (*u*). The principal, who serves by deputy, will, it seems, gain a settlement (*v*).

(*t*) *R. v. Allcannings*, Burr. S. C. 684. ii. 1099. *R. v. Winterbourn*, Burr. S. C. 520. ii. 1095.

(*u*) *R. v. Lew*, 8 B. and C. 655. ii. 1100.

(*v*) *R. v. Hope Mansel*, Cald. 252. ii. 1080.

A certificate-man may gain a settlement in this way (*w*).

(*w*) 9 & 10 W. 3. c. 11. See *Holy Trinity v. Garsington*, Set. and Rem. 72. ii. 1082. *R. v. St. Maurice*, in Winchester, Burr. S. C. 27. ii. 1079.

10. SETTLEMENT BY PAYING TAXES.

By stat. 3 W. and M. c. 11. s. 6, if any person, who shall come to inhabit in any town or parish, shall be assessed with and pay his share towards the public taxes or levies of the said town or parish, then he shall be deemed to have a legal settlement in the same (x).

(x) 3 W. and M. c. 11. s. 6.

The taxes and levies here mentioned, are not confined to parochial taxes (y), such as the poor rate (s), church rate (a), and others, but also include the land-tax (b), and every other general and public rate or tax which the substantial inhabitants of the town or parish are bound by law to pay (c), with the exception of the scavengers rate and highway rate (d), and the duties on houses and windows (e), which are specially excepted by statute. So, prisoners in the King's Bench prison, or the rules thereof, shall not gain a settlement in the parish of St. George the Martyr, by payment of taxes for a tenement there (f).

(y) See *R. v. Bramley*, Burr. S. C. 75. ii. 1101.

(z) See *R. v. Corhampton*, Doug. 621. ii. 1102.

(a) *R. v. St. Bees*, 9 East, 208. ii. 1108.

(b) *R. v. Bramley*, Burr. S. C. 75. ii. 1101. *R. v. Mitcham*, Cald. 276. ii. 104.

(c) See *R. v. Bramley*, Burr. S. C. 75. ii. 1101; but see *R. v. Christchurch*, London, 8 B. and C. 600. ii. 1106.

(d) By 9 Geo. 1. c. 7. s. 6.

(e) 48 Geo. 3. c. 161. s. 69.

(f) 23 Geo. 3. c. 23. s. 1.

The party must both be charged with (g), and pay (h), the tax or rate; if he pay, without being rated, it is insufficient (i); or if one be rated, and another pay, neither

(g) *Seaton Tongell v. Worplesdon*, 2 Seas. Ca. 122. ii. 1106. *Kinver v. Ingewinford*, Fol. 126. ii. 1107. *R. v. Friendsbury*, Burr. 644. ii. 710. *R. v. St. Cuthbert's*, Burr. S. C. 817. ii. 1108. *R. v. Carshalton*, Burr. S. C. 80. ii. 1109. *R. v. Stanlake*, Burr. S. C. 627. ii. 1110. *R. v. Warblington*, Burr. S. C. 787. ii. 1111. *R. v. Sarratt*, Burr. S. C. 78. ii. 349. *R. v. Bramshaw*, Burr. S. C. 98. ii. 125. *R. v. Chew Magna*, Cald. 365. ii. 1047. *R. v. Lower Walton*, Burr. S. C. 100. ii. 1112. *R. v. Heckmondwicke*, Doug. 564. ii. 1113. *R. v. Laughammarch*, 2 T. R. 628. ii. 1114. See *R. v. Paintwick*, Burr. S. C. 465. ii. 1115. *R. v. Walsall*, Cald. 35. ii. 1116. *R. v. Stapleton*, Burr. S. C. 649. ii. 1117. *R. v. Corhampton*, Doug. 621. ii. 1102. *R. v. Copnall*, 2 East, 26. ii. 1118. *R. v. Issey*, Burr. S. C. 826. ii. 1119.

(h) *R. v. Woolly*, 2 East, 68. ii. 1120. See *R. v. Bridgwater*, 3 T. R. 550. i. 1121.

(i) *R. v. Edgbaston*, 6 T. R. 540. ii. 1122. *R. v. St. John's*, Southwark, Doug. 228. ii. 1123.

gains a settlement (*k*). Whether he be regularly charged or not (*l*), or whether he have paid taxes for a whole year, or for part only (*m*), or whether after paying, his landlord or other person repay him (*n*), is immaterial.

(*k*) *Sealon Teggall v. Worpleston*, 2 Sess. Ca. 122. ii. 1101. *Kinver v. Kingswinford*, Fol. 120. ii. 1107. *R. v. Sarratt*, Burr. S. C. 78. ii. 340. *R. v. Bramshaw*, Burr. S. C. 98. ii. 125. *R. v. Lower Walton*, Burr. S. C. 80. ii. 1112. *R. v. Heckmondwicke*, Doug. 564. ii. 1113. See *R. v. Folkestone*, 3 T. R. 505. ii. 1124. *R. v. Rainham*, 5 T. R. 240. ii. 1125.

(*l*) *St. Giles Cripplegate v. St. Mary, Newington*, 19 Vin. Abr. 361. ii. 1126. See *R. v. Mitcham*, Cald. 276. ii. 1104.

(*m*) *R. v. Bramley*, Burr. S. C. 75. ii. 1101.

(*n*) *R. v. Openshaw*, Burr. S. C. 522. ii. 1127. *R. v. Fulham*, Burr. S. C. 488. ii. 1128. *R. v. Chidingfold*, Burr. S. C. 415. ii. 1129. *R. v. Okehampton*, Burr. S. C. 5. ii. 1130. *R. v. Axmouth*, 8 East, 368. ii. 1131.

He must be residing in the parish, at the time he is so charged; if he reside in one parish, and be rated in another by reason of a tenement he has in the latter, he gains no settlement (*o*). And he must have resided there forty days (*p*), as in other cases of settlements.

(*o*) *R. v. St. Michael, at Thorn*, 6 T. R. 536. ii. 1133.

(*p*) *R. v. Ringstead*, 7 B. and C. 607. ii. 1134.

And thus the law, with respect to this mode of settlement, remained, until the year 1795, when by stat. 35 Geo. 3. c. 101. s. 4, it was enacted, that from and after the passing of that act (22d June, 1795), no person shall gain a settlement in any parish, township, or place, by being charged with and paying his share towards the public taxes or levies of such parish, &c. "for or on account or in respect of any tenement or tenements, not being of the yearly value of ten pounds (*q*).” This had the effect of rendering this mode of settlement nearly obsolete; for if the tenement were of the annual value of 10*l.*, the party gained a settlement by renting it, as has been already mentioned (*r*), whether he paid taxes or not. And thus the law remained until the year 1819 (2d July), when this mode of obtaining a settlement was again revived, by the stat. 59 Geo. 3. c. 50. altering the law relating to settlements by renting a tenement (*s*); for a man might be rated and pay taxes for a tenement of the yearly value of 10*l.*, and yet, from

(*q*) See 35 Geo. 3. c. 101. s. 4. *R. v. St. Dunstan, Kent*, 4 B. and C. 686. ii. 1134. *R. v. Penryn*, 5 M. and S. 443. ii. 1135. See *R. v. Uffculme*, Burr. S. C. 430. ii. 1136. *R. v. Worth*, Burr. S. C. 90. ii. 1137. *R. v. Islington*, 1 East, 268. ii. 1138.

(*r*) *Ante*, p. 66.

(*s*) See *ante*, p. 66, &c.

aving occupied it one whole year (*t*), or other circumstance, he might not have gained a settlement under stat. 59 Geo. 3. c. 50. It was again, (22d June, 1825,) *re*ver, nearly extinguished, by stat. 6 Geo. 4. c. 57. s. 2, which it was enacted that no person shall acquire a settlement in any parish or township maintaining its own rates by or by reason of settling upon, renting, or paying rates for any tenement not being his own property, unless such tenement shall consist of a separate distinct dwelling-house or building, or of land, or of *bond fide* rented by such person, in such parish or township, at and for the sum of 10*l*. a year at the least, for the term of one whole year; nor unless such house, building, or land, shall be occupied under such yearly rent, and the rent for the same, to the amount of 10*l*., yearly paid, for the term of one whole year at the (*u*).

L. v. St. Pancras, 2 B. and C. 122. ii. 1139.
see *ante*, p. 67, &c.

is remarkable that the above stat. 35 Geo. 3. c. 101. seems to extend only to cases where the taxes have been paid in respect of a tenement; and the stat. 6 Geo. 4. only to cases where *parochial* rates have been paid in respect of a tenement.

CHAPTER II.

APPEAL AGAINST A RATE.

ANY person aggrieved by a rate, or objecting to any persons being put in or left out of the rate, or to the sum charged on any person therein, or by any thing done or omitted by the overseers or justices, may appeal to the next quarter sessions, upon giving reasonable notice to the churchwardens or overseers; or, if reasonable notice have not been given, the justices may adjourn the appeal to the next quarter sessions (a).

(a) 17 Geo. 2. c. 38. s. 4; and see 43 Eliz. c. 2. s. 6. As to the right to inspect a rate, see 17 Geo. 2. c. 38. s. 2, 3; and see 17 Geo. 2. c. 38. s. 13, 14.

The appeal must be to the sessions of the county, riding, division, corporation, or franchise, in which the parish is situate (b); except that in corporations or franchises, not having more than six justices, nor having jurisdiction or authority over two or more whole parishes or wards contained within such corporation or franchise, the appeal may then be to the next general or quarter sessions of the county, &c. if the appellant think fit (c). This latter provision, however, does not extend to any city or town corporate, being a county of itself (d).

(b) 17 Geo. 2. c. 38. s. 4.

(c) 1 Geo. 4. c. 36. See 17 Geo. 2. c. 38. s. 5; and see *R. v. JJ. of Essex*, 5 M. and S. 513. ii. 1140. *R. v. Taunton*, Post. 325. ii. 1141.

(d) 1 Geo. 4. c. 36.

It must be to the next general quarter sessions (e); that is, to the next practicable sessions (f), after allow-

(e) *R. v. JJ. of London*, 15 East, 632. ii. 1142. *R. v. Coode*, 1 Bott, 278. ii. 1143. See 43 El. c. 2. s. 6. 17 Geo. 2. c. 38. s. 4.

(f) *R. v. Atkins*, 4 T. R. 12. ii. 1144. *R. v. JJ. of Sussex*, 15 East, 268. ii. 1145. *R. v. Hendon*, 2 D. and R. 249. ii. 1146; and see ante, p. 19.

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se and publication (*g*). It may be to an adjourned sessions (*h*).

g) *R. v. Atkins*, 4 T. R. 12. H. 1144. *R. v. Mickfield*, 1 Bost. 279. ii. 1147.
h) *R. v. JJ. of Sussex*, 7 T. R. 107. ii. 177.

Notice of Appeal.] "Reasonable" notice of appeal, usually a week's notice), must be given (*i*); and, if it appear to the justices that reasonable notice has not been given, they shall adjourn the appeal to the next quarter sessions, and then finally hear and determine the same (*h*).

(*i*) 17 Geo. 2. c. 38, s. 4.

(*h*) 17 Geo. 2. c. 38, s. 4. *R. v. JJ. of Wilts*, 8 B. and C. 899. ii. 198. See also form of the notice of appeal, *infra*, (*l*).

It must be given by the party grieved or objecting, *h* (*i*); and, if several have a joint grievance, they may be in giving notice of appeal (*m*). It must be given to

(*m*) 17 Geo. 2. c. 38, s. 4.

(*h*) *R. v. White*, 4 T. R. 771. ii. 1148; and *R. v. JJ. of Sussex*, 15 East, 1148.

(1.) *Form of Notice of Appeal.*

County of } To the Churchwardens
 do wit. } and Overseers of the
 } Poor of the Parish of
 , in the County of S., and to
 give name any individuals to whom
 may be necessary to give notice.
de supra.

This is to give notice, to you and
 cry of you, that I, W. F., being
 as an inhabitant and occupier
 certain lands and tenements in
 the said parish of C., in a certain
 rate and assessment, entitled, "An
 assessment for the necessary Re-
 d," [&c. setting out the title of the
 rate,] do intend, at the next general
 quarter sessions of the peace, to be
 holden in and for the said county of
 , at I., in the said county, to ap-
 pear [or, if the appeal have been al-
 ready entered and respited, to try a
 certain appeal by me the said W. F.,
 appellant, lodged and entered at
 the last general quarter sessions of
 the peace holden at I. aforesaid, in
 aid for the county aforesaid]
 against the said rate or assessment;
 and that the grounds of such ap-
 peal are [that I am not an occupier
 of any land, house, tithes impro-

vable, appropriation of tithes, coal-
 mine, or saleable underwood, in the
 said parish; also, that B. M. and
 J. H. are in the said rate or assess-
 ment respectively under-rated, in
 respect of the yearly value of their
 respective messuages, lands, tene-
 ments, and premises by them occu-
 pied in the said parish of C.; and
 also, that I, the said W. F., am, in
 the said rate of assessment, over-
 rated in respect of the yearly value
 of the lands, tenements, and pre-
 mises by me occupied in the parish
 aforesaid; and also, that it doth not
 appear, in and by the said rate or
 assessment, in respect of what prop-
 erty the said rate is made and as-
 sessed upon me, the said W. F.;
 and also, that the said rate or assess-
 ment doth not appear to be made
 for the relief of the poor of the said
 parish of C., as in the title thereto is
 alleged, but for other purposes; [so
 stating all the causes of appeal you
 intend to insist upon at the hearing];
 of all which premises you the said
 churchwardens and overseers [&c.]
 are hereby desired to take notice.

Witness, (Signed) W. F.

the churchwardens or overseers, or any two of them, or left for them at their respective places of abode (s); and when the appeal is on the ground that another is or is not rated, or rated at more or less than he ought, the notice must state his name (o), and be served on him (p), otherwise the justices cannot hear the appeal (q).

(s) 41 Geo. 3. c. 23. s. 4.

(o) R. v. JJ. of Berkshire, 1 Bott, 267. 3 Doug. El. 132. ii. 1140.

(p) 41 Geo. 3. c. 23. s. 6.

(q) R. v. Brooke, 9 B. and C. 915. ii. 1150.

It must be in writing, and signed by the appellant, or his attorney on his behalf; and the particular causes or grounds of appeal must be stated in it (r), with the names of the persons omitted, &c. (s).

(r) 41 Geo. 3. c. 23. s. 4, 5. See R. v. Bromyard, 8 B. and C. 240. ii. 1151.

(s) R. v. JJ. of Berkshire, 1 Bott, 267. 3 Doug. El. 132. ii. 1140.

But, by consent of both parties, the appeal may be heard, although no notice were given; or, if given, although the causes of appeal be not stated, or be misstated in it (t).

(t) 41 Geo. 3. c. 23. s. 5.

Proceedings at the Hearing.] If the appeal be on the ground that the party ought not to be rated at all, the respondents begin; if on the ground that he is overrated, or another not rated, &c. the appellant begins (u). If on both grounds, the respondents begin, and prove, not merely that the appellant has rateable property within the parish, but must shew some probable ground for the amount at which he is rated (v).

(u) R. v. Newbury, 4 T. R. 475. ii. 1152.

(v) R. v. Topham, 12 East, 546. ii. 1153.

The appellant states and proves the case mentioned in his notice of appeal: he will not be allowed to state or prove any other ground of objection to the rate than those stated in his notice (w), unless by consent of parties (x).

(w) 41 Geo. 3. c. 23. s. 4. See R. v. Bromyard, 8 B. and C. 240. ii. 1151.

(x) 41 Geo. 3. c. 23. s. 5.

Inhabitants are competent witnesses, whether rated or holding office, or not, or whether maintained by the parish or not (y).

(y) 54 Geo. 3. c. 170. s. 9.

nt.] The court shall amend the rate, so as to without altering it as to others; but if, upon appeal against the whole rate, it be necessary to quash the rate, the court may order the overseers to make (e). And they may amend it, by inserting or altering any name, or by altering the sums, &c., or may try to give relief to the appellant, may quash (a). If quashed, the court may order any sum not to be paid, &c. (b); or if paid, it shall be payment on account of the next effective rate (c). If the rate be increased, it may be recovered, &c. (d). If the name be struck out, the money may be ordered paid (e).

2. c. 38. s. 6. See *Garret v. Foot*, Comb. 123. ii. 1154. R. v. 6 East, 350. ii. 1155.

3. c. 23. s. 1, 6, 7. See *R. v. Andover*, Cowp. 550. ii. 1156. Cornwall, 4 Burr. 2102. ii. 1157. R. v. Ambleside, 16 East,

3. c. 23. s. 3.

3. c. 23. s. 1, and see s. 2.

3. c. 23. s. 7. (e) 41 Geo. 3. c. 22. s. 8.

be necessary to mention, that justices rated in cannot vote in the decision of the appeal (f).

o. 2. c. 18. s. 3.

The court may award costs for those in whose appeal is determined, in the same manner as stat. 8 and 9 W. 3. c. 30, in an appeal against removal (g); provided the appeal have been determined (h).

o. 2. c. 38. s. 4. See *ante*, p. 24.

JJ. of Essex, 5 T. R. 583. ii. 1168. R. v. Cawston, 4 D. and R.

rari.] A certiorari is never granted to remove a

GROUND OFS OF APPEAL.

The usual, and perhaps the only grounds of appeal, are the following :

1. *That the Appellant should not have been rated at all.*
2. *That the Rate is unequal, by reason of—*
The Appellant being over-rated ;
Other Persons being under-rated ;
Other Persons being omitted.
3. *That the Rate is bad on the Face of it.*
4. *That the Rate is not made by proper Persons.*
5. *That the Rate is not made for a proper Purpose.*
6. *That the Rate is not made for a proper Period.*
7. *That the Rate has not been Allowed or Published.*

These several grounds of appeal we shall now consider in their order.

- 1, *That the Appellant should not have been rated at all.*

The persons liable to be rated to the relief of the poor, are described by the statute, 43 Eliz. c. 2. s. 1., by which it is enacted, that the poor-rate shall be raised “ by taxation of every inhabitant, parson, vicar, and other, and of every occupier of lands, houses, tithes impropriate, appropriations of tithes, coal-mines, or saleable underwoods, in the said parish.”

Every Inhabitant.] That is to say, every person resident permanently and sleeping in the parish (m) ; and, therefore, a person who is lessee of a stall in a market, and comes there on market-days to sell his wares, is not rateable (n), unless also resident in the parish.

(m) R. v. North Curry, 4 B. and C. 953. ii. 1163. R. v. Fryer, 4 B. & C. 961. (n.) ii. 1164. See R. v. Gosse, 7 B. and C. 60. ii. 1165. R. v. Hull Dock Company, 3 B. and C. 516. ii. 1166. R. v. Nicholson, 12 East, 330. ii. 1167.

(n) Holledge's case, 1 Bott, 113. 2 Ro. Rep. 238. ii. 1168.

must not only be resident in the parish, but he must have local visible property within the parish; in respect of which he shall be rated: he shall not be entitled to the relief of the poor of that parish, by reason of the property he may have out of it (*o*).

Anthony Earby's case, 2 Bulst. 354. ii. 1169. See *Moxon v. Moxon*, 534. ii. 1170. *R. v. Liverpool*, 8 East, 455. (n.) ii.

is not rateable by reason of money he has out at interest in the public funds (*p*); or by reason of his salary as clerk, or pay as an officer in the navy, &c. (*q*); or on the profits of his profession of attorney (*r*); &c. Nor is he rateable for household furniture.

White and others, 4 T. R. 771. ii. 1148. *R. v. St. John's*, 6 East, 182. ii. 1172.

Malfeet, 4 Burr. 2011, 1 Bott, 129. ii. 1173. *R. v. White and others*, 4 T. R. 771. ii. 1148.

Artisan, 7 T. R. 60. ii. 1174.

White, 4 T. R. 771. ii. 1148.

is rateable for his stock in trade, within the parish, in which he makes a profit (*s*), whether there be any other stock in the parish to that effect (*u*) or not (*v*). So, a shipowner is liable to be rated for a ship of which he is the owner, if its place of domicile be within the parish (*w*), whether such ship be within the parish at the time of assessment (*x*) or not (*y*). But a farmer is not rateable for the stock of his farm, for the profit on it is indirectly of the farm, for which he is already rated as a tenant (*z*).

Ellenborough, C. J. in *R. v. Macdonald*, 12 East, 324. ii. 1176. *Kenyon, C. J.* in *R. v. Mast*, 6 T. R. 154. ii. 1176. *R. v. Darby*, 468. ii. 1177. See *R. v. Hull Dock Company*, 3 B. and C.

Hill, Cowp. 618. ii. 1178. *R. v. Rodd*, Cald. 147. ii. 1179. *Ambleside*, 16 East, 380. ii. 1156. See also *R. v. Andover*, 11. 1156. *R. v. Whitney*, 5 Burr. 2634. ii. 1180. *R. v. Ring-* 326. ii. 1181. *R. v. Dursley*, 6 T. R. 53. ii. 1182. *R. v.*

any of his suite be rated (*b*), if they be clearly within the meaning of the statute, 7 Anne, c. 12. (*c*).

(*b*) *Idem*; and see Arch. Pr. B. R. 46.

(*c*) But see *Novello v. Tougood*, 1 B. and C. 554. ii. 1190.

Parson, Vicar, or other.] The parson and vicar of the parish, whether they reside in the parish or not, are liable to be rated by reason of their glebe lands and tithes in the parish (*d*), although they let the tithes to their parishioners respectively (*e*); and the same as to sums of money payable to them in lieu of tithes (*f*); they are liable, also, with respect to oblations and other offerings (*g*); they are liable, also, to be rated for other property in their possession or occupation, in precisely the same manner as other persons. But, if they let the tithes to a tithe farmer, the farmer, and not they, shall be rated for them (*h*).

(*d*) *R. v. Turner*, Str. 77. 1 Bott, 116. ii. 1191. *R. v. Shingle*, Str. 122. ii. 1192. *R. v. Carlyon*, 3 T. R. 385. ii. 1193.

(*e*) Per Parker, C. J. in *R. v. Bartlett*, 16 Vin. Abr. 427. ii. 1194.

(*f*) *Lowndes v. Horne* and others, 2 W. Bl. 1252. ii. 1195. *R. v. Baldero*, 4 B. and C. 467. ii. 1196. *Rann v. Picking*, Cald. 196. ii. 1197. *See Chatfield v. Ruston*, 3 B. and C. 963. ii. 1198. *Mitchell v. Fordham*, 6 B. and C. 274. ii. 1199.

(*g*) Per Ld. Kenyon, C. J. in *R. v. Carlyon*, 3 T. R. 385. ii. 1193.

(*h*) *R. v. Lambeth*, Str. 525. 1 Bott, 127. ii. 1200.

Every Occupier, &c.] Whether he reside in the parish or not (*i*). The tenant, and not the landlord, is the occupier within the meaning of the statute (*k*). But where the owner occupies by his servants, he is rateable (*l*); and a person occupying as servant merely, is in no case liable to be rated (*m*). So, where the owner lets his house ready furnished, or in parcels or apartments, he shall be deemed the occupier (*n*). So, corporations may be rated as occupiers, where they occupy by themselves or servants (*o*).

(*i*) *Jeffrey's case*, 5 Co. 66. 1 Bott, 112. ii. 1201.

(*k*) *R. v. Welbank*, 4 M. and S. 222. ii. 1202. *R. v. Parrott* and others, 5 T. R. 598. ii. 1203. *Sir Ant. Earby's case*, 2 Bulst. 354. ii. 1169. *See R. v. Trent Navigation*, 4 B. and C. 57. ii. 1204.

(*l*) *R. v. St. Mary the Less, Durham*, 4 T. R. 477. ii. 1205. *R. v. Aberystwith*, 10 East, 364. ii. 1206.

(*m*) *R. v. Terrot*, 3 East, 506. ii. 1207. *R. v. Tynemouth*, 12 East, 46. ii. 1208; and see *R. v. Southwark*, Str. 745. ii. 1209.

(*n*) 23 Geo. 3. c. 23. s. 4.

(*o*) *R. v. Gardner*, Cowp. 79. ii. 1210. *R. v. Sudbury*, 1 B. and C. 339. ii. 1211. And see *post*, p. 97 a.

But the inhabitants of a parish, (where the right of

oting for members of parliament does not depend on the rating,) in vestry assembled, may direct that the owners being the lessors of the actual occupiers) of houses or premises, let at rents not exceeding 20*l.*, nor less than 5*l.*, shall be rated for them instead of occupiers; and the overseers shall rate them accordingly: and the rates may be levied by distress of the goods of such owner, or of the goods of the occupier, who may, thereupon, deduct the amount from his rent (*p*).

(*p*) 59 Geo. 3. c. 12. s. 19, 20, 21, 22, 23.

And it must be a profitable occupancy to render the party liable to be rated (*pp*). Thus, the person who erects, or the trustees of, an hospital, or other charitable institution, are not rateable for it (*q*), nor are the persons who reside in it merely as servants (*r*). But an officer of such an institution is rateable, by reason of the apartments appropriated distinctly and separately to his own use (*s*); and persons occupying it, if their occupation be beneficial (*t*): so, lands given to such an institution, and from which it derives a profit, are rateable (*u*). The trustees of a chapel or meeting-house are not rateable for it, if no pecuniary advantage be made of it (*v*); but if a pecuniary advantage be made of it by letting out the pews, or the like (*w*), even although the entire of the money received be expended in paying the clergyman's salary, rent, &c. (*x*), it is liable to be rated.

(*pp*) See *R. v. Sculcoates*, 12 East, 40. ii. 1212. *R. v. Salter's-Load sluice*, 4 T. R. 730. ii. 1213. *R. v. Liverpool*, 7 B. and C. 61. ii. 1214. *R. v. Weaver Navigation*, 7 B. and C. 70. ii. 1215.

(*q*) *R. v. St. Bartholomew's*, 4 Burr. 2435. ii. 1216. *R. v. Waldo, Cald.* 268. ii. 1217. *R. v. St. Luke's Hospital*, 2 Burr. 1053. ii. 1218.

(*r*) See *R. v. Terrott*, 3 East, 506. ii. 1207. *R. v. Scott*, 3 T. R. 602. ii. 1219. *R. v. Fidd*, 5 T. R. 587. ii. 1220.

(*s*) *Ayre v. Smallpiece*, 1 Bott, 121. Cald. 3. ii. 1221. *R. v. Catt*, 6 T. R. 352. ii. 1222; and see — *v. Armstrong*, 2 Stark. 543. ii. 1223.

(*t*) *R. v. Munday*, 1 East, 584. ii. 1224. *R. v. Green*, 9 B. and C. 203. ii. 1225. See *R. v. Gardner*, Cowp. 79. ii. 1210. *R. v. Eyles*, 1 Bott, 169. ii. 1226. See *R. v. Waldo, Cald.* 358. ii. 1217. *semb. cont.*

(*u*) *Anon.* 2 Salk. 526. ii. 1227; and see 43 Geo. 3. c. 94. s. 26.

(*v*) *R. v. Woodward*, 5 T. R. 79. ii. 1228. *Anon.* 1 Bott, 119. ii. 1229. See *R. v. Southwark*, Str. 745. ii. 1209.

(*w*) *Robson v. Hyde*, Cald. 810. ii. 1252.

(*x*) *R. v. Agar*, 14 East, 256. ii. 1253.

If the person rated, be unable, by reason of his poverty, to pay the rate, two justices may, with the consent of the parish officers, order him to be excused (*y*).

(*y*) 54 Geo. 3. c. 170. s. 11. See *R. v. Hull Dock Company*, 3 B. and C. 516. ii. 1166.

Of Houses, Lands, &c.] The occupiers of lands for pleasure, or for the ordinary purposes of cultivation, and the occupiers of houses, and of all other things, which legally come under the acceptance of the word "land," for ordinary purposes, are liable to be rated by reason of their occupancy, whether they derive any real profit from the occupancy or not (*s*). And if the annual value of the land or house be enhanced by any collateral circumstances,—as, by a mineral spring being upon the land (*a*), by a spring of plain water being upon it (*b*), by a dock being erected upon it (*c*), by water-works being erected upon it (*d*), or by the main pipes from water-works being laid in it (*e*), or by a canal passing over it (*f*), or by a barge-way or towing-path running over it (*g*), or by gas-works being erected upon it (*h*), or by lime-works (*i*), slate-works (*k*), or a potter's clay-pit (*l*) being upon it, or by the steel-yard of a weighing machine (*m*), or a counting machine (*n*), or the like, being erected in a house upon it; or where a building is let to be used as a canteen (*o*): in all these cases the land or house is liable to be rated according to its value thus improved (*p*), unless otherwise provided by some act of parliament (*q*). But lands converted into drains merely for the purpose of draining other lands which were out of the parish, and from which the commissioners of the drainage derived no

(*z*) *R. v. Parrott*, 5 T. R. 598. ii. 1203. *R. v. Hull Dock Company*, 5 M. and S. 394. ii. 1230. *R. v. St. Mary the Less*, 4 T. R. 477. ii. 1205.

(*a*) *R. v. Miller*, Cowp. 619. ii. 1231.

(*b*) *R. v. New River Company*, 1 M. and S. 503. ii. 1232.

(*c*) *R. v. Hull Dock Company*, 1 T. R. 219. ii. 1233. See *R. v. Liverpool*, 7 B. and C. 61. ii. 1214.

(*d*) See *Atkins v. Davis*, Cald. 315. ii. 1234. *R. v. Mayor, &c. of Bath*, 14 East, 609. ii. 1235.

(*e*) *R. v. Rochdale Water-work Company*, 1 M. and S. 634. ii. 1235. *R. v. Mayor, &c. of Bath*, 14 East, 609. ii. 1235.

(*f*) See *R. v. Trent and Mersey Navigation*, 1 B. and C. 545. ii. 1237.

(*g*) *R. v. the Mayor, &c. of London*, 4 T. R. 21. ii. 1239.

(*h*) See *R. v. Birmingham Gas-Light Company*, 1 B. and C. 506. ii. 1239. *R. v. Brightou Gas and Coke Company*, 5 B. and C. 466. ii. 1240.

(*i*) *R. v. Alderbury*, 1 East, 534. ii. 1241.

(*k*) *R. v. Woodland*, 2 East, 164. ii. 1242.

(*l*) *R. v. Brown*, 8 East, 528. ii. 1189.

(*m*) *R. v. St. Nicholas, Gloucester*, Cald. 262. ii. 1243.

(*n*) *R. v. Hogg*, Cald. 266. 1 T. R. 721. ii. 1244.

(*o*) *R. v. Bradford*, 4 M. and S. 317. ii. 1245.

(*p*) See *R. v. the Birmingham Gas-Light Company*, 1 B. and C. 506. ii. 1239.

(*q*) See *R. v. Calder, &c. Company*, 1 B. and A. 263. ii. 1246. *R. v. Grand Junction Canal Company*, 1 B. and A. 269. ii. 1247. *R. v. Scott*, 3 T. R. 602. ii. 1219. *R. v. London Gas-Light and Coke Company*, 8 B. and C. 54. ii. 1248. *R. v. St. Peter the Great*, 5 B. and C. 473. ii. 1240. *R. v. Dudley Canal Navigation*, 7 D. and R. 766. ii. 1250. *R. v. Birmingham Canal Company*, 2 B. and A. 570. ii. 1251.

or pecuniary advantage whatever, were holden not to be rated (*r*).

R. v. Sculcoates, 13 East, 471. ii. 1212. *R. v. St. Peter the Great*, 5 B. & C. 428. ii. 1248. *R. v. Dudley Canal Navigation*, 7 D. and R. 463. ii. 1250. *R. v. Birmingham Canal Company*, 2 B. and A. 570. ii. 1261.

As to chapels and charitable institutions, *vide supra*.

As to a corporation seized of lands used as common by the burgesses (*s*), or in whom the aftermath of certain lands was vested as trustees for the burgesses (*s*), were holden to be rateable for them. So, a person having the exclusive use of a way (*u*), and not merely a right of way over the land of another (*v*), is, it seems, rateable for it. So, for the fishings of a river, if connected with any right to the soil, the lessee is rateable (*w*). But where a farmer let his cows (depastured on his own lands) to a tenant at a certain rent per cow, it was holden, that the farmer being already rated for the land, neither he nor the dairyman was rateable for the profits arising from the dairy (*x*). So the lord of a manor was not rateable for the quit rents and casual profits of the manor (*y*); for, in that case, the property would be rated *de facto*, in the hands of the landlord and in the hands of the tenant (*z*). So, persons having a right of common on the land of another, at a certain time, to the exclusion of the owner, are not rateable for it; they cannot be said to be scavengers, and their right is nothing more than an excuse for a trespass (*a*).

- (d) *R. v. Watson*, 5 East, 480. ii. 1254. *R. v. Sudbury*, 1 B. and C. 389. 1211. *R. v. Aberavon*, 5 East, 463. ii. 1255.
- (e) *R. v. Trustees of Tewkesbury*, 13 East, 155. ii. 1256.
- (f) *R. v. Bell*, 7 T. R. 598. ii. 1257.
- (g) *R. v. Jolliffe*, 2 T. R. 90. ii. 1258.
- (h) *R. v. Ellis*, 1 M. and S. 652. ii. 1259.
- (i) *R. v. Brown*, 8 East, 528. ii. 1189.
- (j) *R. v. Vandewall*, 2 Burr. 991. ii. 1260.
- (k) *R. v. Alberbury*, 1 East, 684. ii. 1241. See *ante*, p. 66.
- (l) *R. v. Churchill*, 4 B. and C. 740. ii. 1261.

Tolls are not rateable *per se* (*b*), and therefore the tolls of a ferry (*c*) or turnpike gates (*d*) are not rateable; but when tolls are connected with a towing-path (*e*), or with

- (f) *R. v. Eyre*, 12 East, 416. ii. 1262. *R. v. Bell*, 5 M. and S. 221. ii. 1263.
- (g) *R. v. Brograve*, 4 Burr. 3491. ii. 1264.
- (h) *R. v. Nicholson*, 12 East, 830. ii. 1167. *Williams v. Jones*, 12 East, 841. ii. 1265.
- (i) 2 Geo. 4. c. 128. s. 51.
- (j) *R. v. Mayor, &c. of London*, 4 T. R. 21. ii. 1268.

the lock of a canal (*f*), or with a sluice upon a navigable river (*g*), or the like (*h*), they are rateable.

(*f*) *R. v. Macdonald*, 12 East, 224. ii. 1175.

(*g*) *R. v. Cardington*, Cowp. 581. ii. 1206. See *R. v. Salter's Le*

Sluice, 4 T. R. 730. ii. 1213.

(*h*) See *R. v. Wickham*, Freem. 419. ii. 1267. But see *R. v. Col*

5 B. and C. 797. ii. 1268. *R. v. Fowke*, 5 B. and C. 814. n. ii. 1269.

Lands or houses in the possession of the crown, or of the public, are not rateable (*i*); nor are persons residing upon them merely as the servants of the crown rateable upon them (*k*). But persons to whom they are let (*l*), or who are allowed to occupy them beneficially (*m*), may be rated for such part as they appropriate distinctly and separately to their own use respectively.

(*i*) *Lord Amherst v. Lord Somers*, 2 T. R. 372. ii. 1270.

(*k*) *R. v. Terrott*, 3 East, 506; 1 Bott, 230. ii. 1207.

(*l*) *Duke of Portland's case*, 1 Bott, 122. ii. 1271. *Rowls v. Gells*, Cowp. 451. ii. 1272.

(*m*) *Old Windsor v. Matthews*, Cald. 1. ii. 1273. *Lord Bute v. Grindal*, 1 T. R. 338. ii. 1274. *R. v. Hurdie*, 3 T. R. 497. ii. 1275. *R. v. Turner*, 3 East, 506. ii. 1207. See *Eckersall v. Briggs*, 4 T. R. 6. ii. 1276. *Jones v. Maunsell*, Doug. 302. ii. 1277.

Of Tithes Improprate, Propriations of Tithes.] When it appeared that the appellants were the proprietors of the tithe-sheaf of the parish of Paul, and also of one-tenth of all the fish caught and brought on shore within the parish it was holden that they were rateable for them (*n*).

(*n*) *R. v. Carlyon*, 3 T. R. 386. ii. 1196.

As to the liability of the parson and vicar to be rated for their tithes, see *ante*, p. 65.

Of Coal-Mines.] Coal-mines alone being expressed in the statute, it has been holden that mines of other minerals are not within it, and cannot be rated (*o*). Therefore the occupiers of a lead-mine (*p*), or of an iron-mine (*q*) or ironstone-mine (*r*), or the like, are not rateable upon them; nor are the landlords who let them to the occupiers liable to be rated for the money rent (*s*), or rent for the smelted metal of the mines (*t*), which they receive.

(*o*) *Lead Smelting Company v. Richardson*, 3 Burr. 1341; 1 Blac. R. 369. ii. 1278.

(*p*) *Idem.* (*q*) *R. v. Cunningham*, 5 East, 478. ii. 1279.

(*r*) See *R. v. Bilston*, 5 B. and C. 851. ii. 1280.

(*s*) *R. v. Bishop of Rochester*, 12 East, 353. ii. 1281. *R. v. Wells*, 4 M. and S. 222. ii. 1202.

(*t*) *R. v. Earl of Pomfret*, 5 M. and S. 139. ii. 1282.

them. Nor can the occupiers of such a mine be rated for a steam-engine erected by them merely for the purpose of drawing the water out of the mine (*u*); but the occupiers of a coal-mine, having erected a steam-engine for the purpose of working the mine, and thereby improved the annual value, are liable to be rated for such improved annual value (*v*). The owners of mines, however, are holden to be rateable for the portion of the ore raised, which they receive by agreement from those who work the mines: in lead mines, called lot and cope (*w*); in tin mines, toll tin and farm tin (*x*); or the like (*y*); even although they receive, by compromise from the tenants, not the ore itself, but the estimated value of it in money (*z*): for here is a reservation of part of the thing demised, which operates, not as a render, but as an exception out of the demise (*a*).

- (u) *R. v. Bilston*, 5 B. and C. 651. ii. 1280.
- (v) *R. v. Lord Granville*, 9 B. and C. 188. ii. 1288.
- (w) *Howls v. Gells*, Comp. 451. ii. 1272.
- (x) *R. v. St. Agnes*, 3 T. R. 490. ii. 1284. *R. v. St. Austell*, 5 B. & A. 606. ii. 1285.
- (y) See *R. v. Baptist Mill Company*, 1 M. and S. 612. ii. 1286.
- (z) *R. v. St. Austell*, 5 B. and A. 606. ii. 1286.
- (a) See *Co. Litt.* 47, a. 142, a.

In the case of coal-mines, the occupiers of them are liable to be rated for them as long as they continue to work them, whether they produce a profit or not (*b*); but they are not rateable for them before they are worked and productive (*c*), or after they cease to be worked (*d*).

- (b) *R. v. Parrott*, 5 T. R. 598. ii. 1208. See *R. v. Attwood*, 6 B. and C. 277. ii. 1287. *R. v. Lord Granville*, 9 B. and C. 188. ii. 1288.
- (c) Per Lord Ellenborough, C. J. in *R. v. Bishop of Rochester*, 12 East, 382. ii. 1281.
- (d) *R. v. Bedworth*, 8 East, 387. ii. 1288.

Stone-quarries or lime-works (*e*), slate-works (*f*), a potter's clay-pit (*g*), and the like, however, are not considered in the nature of mines, but as land, rendered additionally productive by a particular mode of working it; and the occupiers are rateable for them as such.

- (e) *R. v. Alberbury*, 1 East, 534. ii. 1241.
- (f) *R. v. Woodland*, 2 East, 164. ii. 1242.
- (g) *R. v. Brown*, 6 East, 628. ii. 1169.

Of Saleable Underwoods.] Underwoods, though cut and saleable only every twenty-one years, were holden to

be rateable every year (*h*), in the proportion to the profit which may be made of them when sold. But firs and larches, planted merely for the purpose of sheltering young oak-trees, and cut from time to time as the oaks grew stronger and required more space, and some of them yielding a profit, have been holden (if underwood at all) not to be saleable underwood within the meaning of the statute; the primary object of planting them being, not to derive a profit from them *per se* by sale, but to protect the young oaks (*i*). Timber trees are not the subject of a rate, at all; and therefore where beech trees were rated, and it was stated in the special case that beech trees were deemed timber according to the custom of the county in which the trees in question grew, the court held that they could not be rated (*k*).

(*h*) *R. v. Mirfield*, 10 East, 219. ii. 1289.

(*i*) *R. v. Ferrybridge*, 1 B. and C. 375. ii. 1290.

(*k*) *R. v. Minchin Hampton*, 3 Burr. 1308. ii. 1291.

In the said Parish.] As an inhabitant, a man is liable to be rated according to his apparent ability; that is to say, according to the value of the local and visible personal property he has within the parish, of which he makes profit, but not by reason of any property he may have out of the parish. *See ante*, p. 64. For a ship, the owner is rateable only in case its place of domicile be within the parish of which he is an inhabitant. *See ante*, p. 65. As occupier of lands, &c., he is liable to be rated for such as he occupies within the parish, whether he reside in the parish or not (*l*); and, therefore, if he occupy lands in the several parishes of A., B., and C., and reside himself in the parish of D., he is liable to be rated in all the four parishes: in A., B., and C., for the lands he occupies in them respectively (*m*), and in D. as an inhabitant (*n*). (See the 17th Geo. 2. c. 37. as to waste lands drained and improved) (*o*). And the same when land is made additionally valuable by erections, &c. upon it. *See ante*, p. 67. In the case of a lighthouse, the owner or occupier is not rateable as for the tolls merely (*p*); it can be rated simply as a building, but the owner cannot be rated for

(*l*) *Ante*, p. 66.

(*m*) *See R. v. Etwall*, 3 Smith, 15. ii. 1292.

(*n*) *See ante*, p. 64.

(*o*) And see *Kemp v. Spence*, 2 W. Bl. 1245. ii. 1293.

(*p*) *R. v. Rebowe*, 1 Bott, 135. *R. v. Tynemouth*, 12 East, 46. ii. 1293.

the tolls at all (*q*). For navigations and canals, the proprietors were formerly holden to be rateable in those parishes only in which the tolls were payable, or the voyages were completed (*r*); but as to canals, in all the late cases it has been holden, that the proprietors are rateable for them in every parish through which they pass, and in each parish in the proportion of that part within it (*s*); as to inland navigations, the rule is different: it was ruled, indeed, not only that the proprietors of such a navigation cannot be rated for the whole of their profits, in the parish in which the wharf, where the voyage ended, and the tolls became payable, and were paid, was situate (*t*); but further, that they should be rated proportionably in each parish through which the navigation passed, in the same manner as canals (*u*); it is now, however, fully settled, that unless the proprietors be actually owners of the soil of the bed of the river (*v*), they cannot be rated as occupiers of that at all, having but an easement in it, but their rateability is confined to the new cuts, weirs, locks, dams, &c. erected on their own land, for the purposes of the navigation (*w*). So the proprietors of water-works seem formerly to have been holden rateable in that parish only in which the engine, &c. was situate (*x*); but now they are holden to be rateable, not only in the parish in which their reservoirs and works are situate, but also in the several parishes through which their main pipes are laid (*y*). And the same as to gas-works (*z*). So the proprietors of a dock, situate in

(*q*) *R. v. Coke*, 5 B. and C. 797. ii. 1268. *R. v. Fowke*, 5 B. and C. 814. ii. 1269.

(*r*) *R. v. Aire and Calder Navigation*, 2 T. R. 600. ii. 1297. *R. v. the Mayor, &c. of London*, 4 T. R. 21. ii. 1288. *R. v. Page*, 4 T. R. 543. ii. 1296. *R. v. Stafford and Worcester Canal Navigation*, 8 T. R. 340. ii. 1299. *R. v. Cardington, Corp.* 581. ii. 1266.

(*s*) *R. v. Trent and Mersey Navigation*, 1 B. and C. 545. ii. 1237. *R. v. Oxford Canal Navigation*, 4 B. and C. 74. ii. 1300. *R. v. Kingswinford*, 7 B. and C. 226. ii. 1301. *R. v. Oxford Canal Company*, 10 B. and C. 168. ii. 1302. See *R. v. Lower Mitton*, 9 B. and C. 810. ii. 1303. *R. v. Grand Junction Canal Company*, 1 B. and A. 289. ii. 1247. *R. v. Dudley Canal Navigation*, 7 D. and R. 468. ii. 1250. *R. v. Birmingham Canal Company*, 2 B. and A. 570. ii. 1251. *R. v. St. Peter the Great*, 5 B. & C. 473. ii. 1249.

(*t*) *R. v. Milton*, 3 B. and A. 112. ii. 1304.

(*u*) *R. v. Palmer*, 1 B. and C. 546. ii. 1305.

(*v*) See *R. v. Earl Portmore*, 1 B. and C. 551. ii. 1306.

(*w*) *R. v. Mersey and Irwell Navigation*, 9 B. and C. 95. ii. 1307. *R. v. Thomas*, 9 B. and C. 114. ii. 1308. *R. v. Aire and Calder Navigation*, 9 B. and C. 820. ii. 1309.

(*x*) *Atkins v. Davis*, Cald. 315. 1234.

(*y*) *R. v. the Mayor, &c. of Bath*, 14 East, 609. ii. 1235. *R. v. Rochdale Waterwork Company*, 1 M. and S. 684. ii. 1236.

(*z*) *R. v. Brighton Gas and Coke Company*, 5 B. and C. 466. ii. 1240.

several parishes, are liable to be rated for it in each parish, in the proportion of the space of it within each parish (a).

(a) See *R. v. Hull Dock Company*, 1 T. R. 219. ii. 1233.

Note. If a man be rated in respect of two things conjointly, one of which is not rateable, the whole is bad. As, for instance, if a man be rated for an iron and coal mine, (an iron-mine not being rateable) (b), or for rent received by him for a mine, and also as occupier of certain moors, &c., (the rent not being rateable) (c), the rate is bad as to both.

(b) *R. v. Cunningham*, 5 East, 478. ii. 1279.

(c) *R. v. Welbank*, 4 M. and S. 222. ii. 1202.

Rate in Aid.] If the inhabitants of a parish cannot levy amongst themselves sufficient funds for the maintenance of their poor, two justices may rate other parishes in aid (d).

(d) 48 Eliz. c. 2. s. 8. See 4 Burn. J. 158, &c. 335.

2. That the Rate is unequal.

The Appellant being Over-rated.] The inhabitants and occupiers should be rated according to the ability of each, in a fair proportion, to the extent of personal property of which the former make profit, and of real property which the latter occupy; and if, instead of this, the overseers, in calculating the proportion in which each of the parishioners is rateable, estimate the rateable means of any one parishioner by a different scale from the rest, so as, in effect, to charge him with a higher rate than his neighbours: as if, for instance, the rate be regulated by the rental, and one of the parishioners be charged on a rent of 100*l.*, when in fact he pays only 50*l.*; or when a rate is proportioned to the rent actually paid by the occupiers, and one pays a rack rent, and another a low rent for land, the value of which he has much enhanced by improvements (e); or where the rate is made according to the land-tax, for that would be omitting all those who

(e) See *R. v. Mast*, 6 T. R. 154. ii. 1176. *R. v. Skingle*, 7 T. R. 549. ii. 1310.

have mere personal property (*f*): in these, and the like cases, the rate is deemed unequal and bad, and the party over-rated may appeal against it (*g*). And in estimating the rateable value of land made additionally valuable by buildings, docks, canals, &c., it would be unfair to estimate it at the amount of the gross profits; but deductions should be made for the ordinary expenses (*h*), and even for the poor rate itself (*i*). The fairest way is to set it down at what a tenant would give for it annually, to rent it, he paying all expenses, rates, &c. (*k*). But the Court of King's Bench will not presume a rate to be unequal, unless it appear manifestly upon the face of it to be so (*l*).

(*f*) *R. v. Clerkenwell*, Fol. 12. ii. 1311.

(*g*) See *R. v. Barnstable*, Fol. 26. ii. 1312. *R. v. Weobly*, 1 Bott, 101. ii. 1313. *Butler v. Cobbet*, 11 Mod. 254. ii. 1314. *R. v. Canterbury*, 4 Burr. 220. ii. 1315. *R. v. Cheshunt*, 2 T. R. 623. ii. 1316.

(*h*) *R. v. Oxford Canal Company*, 10 B. and C. 163. ii. 1302. See *R. v. Hull Dock Company*, 5 M. and S. 334. ii. 1230.

(*i*) *R. v. Hull Dock Company*, 3 B. and C. 516. ii. 1166.

(*k*) *R. v. Lower Mitton*, 9 B. and C. 810. ii. 1303. *R. v. Attwood*, 6 B. and C. 277. ii. 1287. *R. v. Duke of Bridgwater*, 9 B. and C. 68. ii. 1317. *R. v. Oxford Canal Company*, 4 B. and C. 74. ii. 1300; and see *R. v. Mirfield*, 10 East, 218. ii. 1239.

(*l*) *R. v. Brograve*, 4 Burr. 2491; 1 Bott, 102. ii. 1254. *R. v. Tomlinson*, 9 B. and C. 163. ii. 1318. *R. v. Butler*, Cald. 93. ii. 1319. *R. v. Hardy*, Cowp. 579. ii. 1320; and see *R. v. Sandwich*, Cald. 105. ii. 1321. *R. v. Lackenham*, 1 Bott, 106. ii. 1322.

Where one person removes from premises, and another succeeds him, each shall pay for the time only that he occupied (*m*).

(*m*) 17 Geo. 2. c. 38. s. 12.

Other Persons being Under-rated.] If any one parishioner be under-rated, with reference to the rest, it being the same in effect as if the others were over-rated, the rate is thereby unequal and bad, and any of the other rated parishioners may appeal against it (*n*).

(*n*) See *R. v. Mast*, and *R. v. Skingle*, *supra*.

Some Person who ought to be Rated being Omitted.] If any person or persons, who ought to be rated either as an inhabitant or occupier, be omitted in the rate, as this has the effect of throwing a greater burden upon those who are rated than they should fairly be charged with, the

rate is deemed bad, and any of the parishioners may appeal against it (o).

(o) See *R. v. St. Agnes*, 3 T. R. 480. ii. 1284. *R. v. Darlington*, 6 T. R. 468. ii. 1177. *R. v. Ambleside*, 16 East, 880. ii. 1155. *R. v. Maddara*, 1 T. R. 625. ii. 1323.

3. That the Rate is bad upon the Face of it.

Form of the Rate.

An assessment for the necessary relief of the poor, and for the other purposes in the several acts of parliament relating to the poor, for the parish of _____, in the county of _____, made and assessed the _____ day of _____, (being the first rate at sixpence in the pound for lands, &c. occupied, and of one penny in the pound on personal property), for the present year.

Names of inhabitants and occupiers.	Description of the property for which they are rated.	Value.			Sums assessed.		
		£.	s.	d.	£.	s.	d.
A. B.	A house and garden, annual value -	5	0	0	—	2	6
C. D.	Stock in trade, value - - -	100	0	0	—	8	4
E. F.	A ship, value -	200	0	0	—	16	8
And so forth.							

Assessors, A. B. }
C. D. } Churchwardens.

E. F. }
G. H. } Overseers of the Poor.

It must shew, upon the face of it, in respect of what property the assessment is made upon each individual charged by it (p), in order to shew that they are correctly rated within the meaning of the statute.

(p) *R. v. Aire and Calder Navigation*, 2 B. and C. 713. ii. 1324.

It may perhaps be necessary to mention, that at the trial of the appeal, no objection can be taken to the rate, for any defect appearing upon the face of it, unless it be specified in the notice of appeal, in the same manner as if the objection were for matter extrinsic (q).

(q) *R. v. Bromyard*, 8 B. and C. 240. ii. 1151.

4. That the Rate is not made by proper Persons.

The rate must be made by the churchwardens and overseers of the poor of the parish, or the greater part of them (*r*).

(*r*) 43 Eliz. c. 2. s. 1; and see s. 12.

And the Court of King's Bench, upon application, will grant a mandamus to compel the overseers to make a rate (*s*), but not an *equal* rate (*t*).

(*s*) *R. v. Barnstaple*, 1 Barnard. 137. ii. 1294. *Lidleston v. Mayor of Exeter*, Fol. 18. ii. 1235. *R. v. Weobly*, 1 Bott, 101, ii. 1313.

(*t*) *R. v. Barnstaple*, *supra*.

5. That the Rate is not made for a proper Purpose.

The rate is to be levied for the purpose of raising "a convenient stock of hemp, wool, thread, iron, and other necessary ware and stuff, to set the poor on work; and also competent sums of money for and towards the necessary relief of the lame, impotent, old, blind, and such other among them, being poor and not able to work; and also for the putting out poor children to be apprentices (*u*).” As to the relief of the poor, see *ante*, p. 1.

(*u*) 43 Eliz. c. 2. s. 1.

The expenses of removals, &c. must be paid out of the rates (*v*). So, law expenses for litigating questions of settlements must, in like manner, be paid out of the rates (*w*). But no rate shall be made for the purpose of paying any other law expenses (*x*), or of paying money borrowed by the overseers (*y*), or of paying any salary to the overseer (*z*), except to the assistant overseer (*u*); nor can overseers make a rate to re-imburse themselves (*b*); but the present overseers may re-imburse the preceding overseers out of the rate in some instances (*c*).

(*v*) See 18 Geo. 3. c. 19. s. 3.

(*w*) *R. v. Inhabitants of Essex*, 4 T. R. 595. ii. 1296. *R. v. Micklefield*, 1 Bott, 91, ii. 1325.

(*x*) *R. v. Bird*, 2 B. and A. 522. ii. 1326.

(*y*) *R. v. Wavell*, Doug. 116. ii. 1327; but see 59 Geo. 3. c. 12. s. 15, 16.

(*z*) *R. v. Glyde*, 2 M. and S. 323. ii. 1328.

(*a*) 59 Geo. 3. c. 12. s. 7.

(*b*) *R. v. Goodcheap*, 6 T. R. 159. ii. 1329.

(*c*) 41 Geo. 3. c. 23. s. 9. See *Tawney's case*, 2 Salk, 531. ii. 1330. *R. v. Rotherhithe*, 8 Mod. 338. ii. 1331.

6. That the Rate is not made for a proper Period.

The rate may be made "weekly or otherwise (*d*);" if made for six months, and prospectively, it is not on these accounts bad (*e*). It should be altered occasionally as circumstances may require; a rate, however, just at first, may in time, from circumstances, become unequal (*f*).

(*d*) 43 Eliz. c. 2. s. 1. See s. 12.

(*e*) Durrant v. Boys, 6 T. R. 560. ii. 1382.

(*f*) R. v. Audley, 2 Salk. 526. ii. 1333.

7. That the Rate has not been Allowed or Published.

No rate shall be deemed valid, unless the same be allowed by two justices (*g*), and public notice thereof given in the parish church on the Sunday next after the same has been allowed (*h*).

(*g*) 43 Eliz. c. 2. s. 1. See R. v. Folly, 1 Bott. 76. ii. 1334. R. v. wards, 1 W. Bl. 637. ii. 1336. R. v. JJ. of Dorchester, Str. 303. ii. 1336.

(*h*) 17 Geo. 2. c. 3. s. 1. See R. v. Newcomb, 4 T. R. 303. ii. 1337.

The following is the form of the allowance:—

We, two of his majesty's justices of the peace in and for the said county, and dwelling in [or near] the said parish, one whereof is of the quorum, do consent unto and allow of this assessment. Witness our hands, the _____ day of _____, 18 .

Witness, I. P.
K. P.

CHAPTER III.

PEAL AGAINST AN ORDER OF FILIATION.

-
1. *The Order.*
 2. *The Appeal.*
-

1. *The Order of Filiation.*

urity have not been given to indemnify the
(b), then, after the child is born, if it be born
and be chargeable, or likely to become so (c),
of filiation and maintenance is made by the
test: there is no time limited, after the birth,
ing it (d).

Geo. 2. c. 31. 48 Geo. 3. c. 68. s. 2. 54 Geo. 3. c. 170. s. 8.
De Brouquens, 14 East, 277. ii. 1338. See 6 Geo. 2. c. 31. s. 2.
s. 68. s. 2.
Hartington, Upper Quarter, 4 M. and S. 559. ii. 1339. R. v.
st, 193. ii. 419.
Miles, 1 Sess. Cas. 77. ii. 1340. See Addis's case, 1 B. and C.

it be made by "two justices of the peace, in or
o the limits where the parish church is, within
arish such bastard shall be born (e)," or by the
(f); and whether the two justices live in or
o the parish church or not is immaterial, these
the statute being merely directory (g). But, if
be born in an extra-parochial place, it seems no
n be made (h). And not only must the order be

iz. c. 3. s. 2.
r. 1. c. 4. s. 15. See Wood's case, 2 Bulst. 355. ii. 1342. R. v.
ong, 632. ii. 1343.
Skinn, 1 Bott, 470. ii. 1344.
Baker, 1 Bott, 471. ii. 1345.

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signed by two justices, but the examination must be in the presence of both (*i*).

(*i*) *R. v. Beard*, 2 Salk. 478. ii. 1346. *Billings v. Prinn*, 2 Blac. Rep. 1017. ii. 1847.

It must be made on the complaint of the overseers of the poor (*k*); but if on complaint of one who is overseer *de facto*, though not *de jure*, it is sufficient (*l*).

(*k*) *R. v. Nottingham*, 1 Bott. 478. ii. 1348. See *R. v. Hartington*, Upper Quarter, 4 M. and S. 559. ii. 1339.

(*l*) *R. v. Martyr and Fulham*, 13 East, 55. ii. 1349.

The reputed father must be previously summoned (*m*); but the order may be made (*n*) whether he attend or not.

(*m*) *R. v. Cotton*, 1 Sess. Cas. 179. ii. 1360. *R. v. Martyr and Fulham*, 13 East, 55. ii. 1349. See *R. v. Taylor*, 2 Sess. Cas. 192. Cas. Temp. Hardw. 112. ii. 1351. See *R. v. Glegg*, 8 Mod. 3. ii. 1352.

(*n*) *R. v. Upton and Gray*, Cald. 808. ii. 1353. *R. v. Taylor*, *supra*.

The mother may be examined (*o*) as to all the circumstances of the case, if she be unmarried (*p*), or as to all except the non-access of her husband if she be married. *Vide post*, p. 83. Even the examination of a pregnant woman by a magistrate, in pursuance of the statute 6 Geo. 2. c. 31, has been holden evidence sufficient to warrant the sessions in making an order of bastardy, where the woman died before the making of the order (*q*).

(*o*) See 6 Geo. 2. c. 31. s. 4. 49 Geo. 3. c. 68. s. 2. *R. v. Beard*, Salk. 478. ii. 1346.

(*p*) Dalt. c. 11. See 13 Geo. 3. c. 82. s. 10, 11.

(*q*) *R. v. Ravenstone*, 5 T. R. 373. ii. 1354. *R. v. Clayton*, 3 East, 86. ii. 1356.

The order may charge the mother, or putative father, or both, "with the payment of money weekly, or other sustentation for the relief of the child, in such wise as the justices shall think meet and convenient (*r*):" and the putative father with the payment of "all reasonable charges and expenses incident to the birth of such bastard," "the reasonable costs of apprehending and securing such reputed father, and the costs of the order of filiation, such costs altogether not exceeding 10*l*," to be ascertained on oath before the justices making the order (*s*).

(*r*) 18 Eliz. c. 8. s. 2. See *R. v. Taylor*, 3 Burr. 1681. ii. 1656. *Addis case*, 1 B. and C. 87. ii. 1341.

(*s*) 49 Geo. 3. c. 68. s. 1 and 4. See *R. v. Sweet*, 9 East, 25. ii. 1367. *Robson v. Spearman*, 3 B. and A. 493. ii. 1358.

It must state the child to have been born in the parish (*t*), the sex of the child (*u*), and who begot it (*v*), and must adjudge him to be the putative father (*w*); and it must specify the sum in gross to be paid by the father for the expenses attending the birth, &c. (*x*), and the weekly sum to be paid by the father or mother for the maintenance of the child whilst chargeable (*y*).

(*t*) *R. v. Butcher*, 1 Stra. 487. ii. 1359. *R. v. Hexham*, 1 Bott. 489. ii. 1360. *R. v. Childers*, 1 Barnard. 326. ii. 1361. *R. v. Stanley*, Cald. 172. ii. 220. *R. v. Fox*, 1 Bott. 492. ii. 1362. *Anon.*, Styles, 368. ii. 1363. *R. v. Cuddington*, Set. and Rem. 66. ii. 1364. *R. v. Godfrey*, Ld. Raym. 1363. ii. 1365.

(*u*) *R. v. England*, Stra. 503. ii. 1366.

(*v*) *R. v. Browne*, 2 Stra. 811. ii. 1367.

(*w*) *R. v. Perkasse*, 2 Sid. 368. ii. 1368. *R. v. Pitts*, Doug. 662. ii. 1369. See *R. v. Jenkins*, Str. 1060. ii. 1370.

(*x*) *Reg. v. Odam*, 1 Salk. 124. ii. 1371. See *R. v. Hartington*, Upper Quarter, 4 M. and S. 569. ii. 1339.

(*y*) See *R. v. Johnson*, Comb. 69. ii. 1372. *R. v. Barebaker*, Salk. 478. ii. 1373. *Smith's case*, 1 Bott. 488. ii. 1374. *R. v. Matthews*, Salk. 475. ii. 1375. See the form of the order, *infra*, (1).

(1.) *Form of the Order.*

County of } The order of J. P.
Westmoreland. } and K. P. esquires,
two of his majesty's justices of the
peace in and for the said county,
one whereof is of the quorum, and
both residing [in, or] next unto the
limits of the parish church within
the parish of —, in the said
county, made the — day of
—, one thousand eight hundred
and —, concerning a [fe] male
bastard child lately born in the
parish of — aforesaid, of the
body of A. M. single woman.

Whereas it hath been duly made
to appear unto us the said justices,
as well upon the complaint of the
churchwardens and overseers of the
poor of the said parish of — as
upon the oath of the said A. M.
that she, the said A. M., on the
— day of — last past, was
delivered of a [fe] male bastard
child, at —, in the parish of
—, in the said county, and
that the said bastard child is now
chargeable to the said parish of
—, and likely so to continue;
and further that A. F. of —,
in the said county, yeoman, did
beget the said bastard child on
the body of her the said A. M.
and whereas the said A. F. has ap-
peared before us, in pursuance of

our summons for that purpose, but
has not shewn any sufficient cause
why he the said A. F. shall not be
the reputed father of the said bas-
tard child [or, And whereas it has
been duly proved to us upon oath
that the said A. F. has been duly
summoned to appear before us the
said justices, to the end that we
might examine into the cause and
circumstances of the premises : and
whereas the said A. F. has neg-
lected to appear before us, accord-
ing to the said summons]; We
therefore, upon examination of the
cause and circumstances of the pre-
mises, as well upon the oath of the
said A. M. as otherwise, do hereby
adjudge him the said A. F. to be the
reputed father of the said bastard
child.

And thereupon we do order, as
well for the better relief of the said
parish of — as for the susten-
tation and relief of the said bastard
child, that the said A. F. shall and
do forthwith, upon notice of this
our order, pay or cause to be paid
to the said churchwardens and over-
seers of the poor of the said parish
of —, or to some or one of
them, the sum of —, for and
towards the reasonable charges and
expenses incident to the said birth,

970 *Appeal against an Order of Filiation.*

If the order be not obeyed, the party may be committed for three months, unless in the mean time he pay the sum appearing to be due (*s*). Or the party may be indicted for not obeying the order, as for a misdemeanor at common law.

(*z*) 49 Geo. 3. c. 68. s. 3. See 18 Eliz. c. 3. s. 2. See *R. v. Archer*, 2 T. R. 270. H. 1576.

As to securing the reputed father, see 1 Burn's Just. 243, &c. And see 6 Geo. 2. c. 31. s. 1, 2, 3. 13 Geo. 2. c. 82. s. 8. 49 Geo. 3. c. 68. s. 2, 6. And as to the punishment of the mother, see 18 Eliz. c. 3. s. 2. 50 Geo. 3. c. 51.

As to bonds to indemnify the parish, see 1 Burn's Just. 246, &c. 49 Geo. 3. c. 68. s. 2. 54 Geo. 3. c. 170. s. 8.

Certiorari, &c.

2. *The Appeal.*

Any person who shall think himself aggrieved by an order of filiation made by two justices, and not originating at the sessions, may appeal (*a*).

(*a*) 49 Geo. 3. c. 68. s. 5.

The appeal must be to "the next general quarter ses-

and for and towards the maintenance of the said bastard child, to the time of making this our order. And whereas it further appeareth unto us the said justices, as well upon the oath of _____ as otherwise, that the reasonable costs of apprehending and securing the said A. F. and the costs of this our order of filiation (*if it be all in one order*), do amount together to the sum of _____ (not exceeding 10*l.*, see 49 Geo. 3. c. 68. s. 4.) We the said justices do thereupon further order that the said A. F. shall and do forthwith likewise pay the said last-mentioned sum of _____ for the indemnifying the said parish of W. against the said last-mentioned sum of _____. And we do also hereby further order that the said A. F. shall likewise pay or cause to be paid to the churchwardens and overseers of the poor

of the said parish of _____ for the time being, or to one or some of them, the sum of _____, weekly and every week from this present time, for and towards the keeping, sustentation, and maintenance of the said bastard child, for and during so long a time as the said bastard child shall be chargeable to the said parish of _____. And we do further order, that the said A. F. shall also pay or cause to be paid to the said churchwardens and overseers of the said parish of _____ for the time being, or to some or one of them, the sum of _____, weekly and every week, so long as the said bastard child shall be chargeable to the said parish of _____, in case she shall not name and take care of the said child herself. Given under our hands and seals the day and year first above written.

Appeal against an Order of Filiation. 97p

he peace, to be holden for the county where such ill be made" (d).

x. c. 3. s. 2. 49 Geo. 3. c. 68. s. 5. R. v. Coynton, 1 Sid. 149.
. v. Brown, Salk. 480. ii. 1378. R. v. Shaw, Salk. 482. ii. 1379.

of Appeal.] The notice of appeal must be given justices who made the order, or to one of them, to the churchwardens and overseers of the parish on whose behalf such order shall have been made to one of them, ten clear days before the session; otherwise the appeal shall not be received or taken.

10. 3. c. 68. s. 5.

10. 3. c. 68. s. 7. R. v. JJ. of Lincolnshire, 3 B. and C. 548. ii.

notice of the party's intention to appeal must state the cause and matter thereof" (e); that is to say, the order on which he intends to object to the order at the session (f). It need not, however, be in writing: a verbal declaration has been holden to be sufficient (g).

10. 3. c. 68. s. 5.

R. v. JJ. of Oxfordshire, 1 B. and C. 279. ii. 1861.

R. v. JJ. of Salop, 4 B. and A. 626. ii. 1862. See the form of the notice, *infra* (1).

recognition.] Besides giving notice of appeal, the party must also "enter into a recognisance, within three days after such notice, before some justice of the peace

(1) *Form of the Notice.*

I, A. B. and C. D. esquires, two justices of the peace for the county of —, and to the churchwardens and overseers of the parish of G., in the said

do hereby give notice, to you and to the churchwardens and overseers of the parish of G., in the said county, to appear at the next general quarter session of the peace, to be holden at the said county of —, to appeal against the order of the said G. D., purporting to be made on the — day of —, one thousand eight hundred and —, in relation to a [male] bastard child, of the parish of C. aforesaid, of the said A. M. single woman, the said A. B. and C. D.

did (amongst other things,) adjudge me the said W. F. to be the reputed father of the said child; and that the cause and matter of such appeal are, that [I, the said W. F., am not the reputed father of the said bastard child; that I, the said W. F., did not beget the same; that I, the said W. F., never had carnal connexion with the said A. M.; and that the said A. M. is now, and was at the time of the birth of the said child, a married woman]. Of all which premises you the said justices, and you the said churchwardens and overseers, and each and every of you, are hereby desired to take notice.

Witness, &c.,

W. F.

for such county, with sufficient surety, conditioned to try such appeal, and abide the judgment and order of, and pay such costs as shall be awarded by, the justices of such quarter sessions" (h); otherwise the appeal shall not be received or heard (i).

(h) 49 Geo. 3. c. 68. s. 5.

(i) 49 Geo. 3. c. 68. s. 7. R. v. JJ. of Lincolnshire, 3 B. and C. 543. ii. 1380. See the form of the recognisance, *infra* (2).

Proceedings at the Hearing.] The appellant, if called upon (k), must prove the service of the notice and the entering into the recognisance (which of course will be returned to the sessions), before the respondent opens his case; and it must appear that they are such notice and recognisance as were required by the statute.

(k) See 49 Geo. 3. c. 68. s. 5.

The counsel for the respondent then begins (l): he states his case and calls witnesses to prove it.

(l) R. v. Knill, 12 East, 50. ii. 1383.

(2) *Form of the Recognisance.*

County of } Be it remembered,
 of ———, } that on the ——— day
 of ———, in the ——— year of the
 reign of our sovereign Lord George
 the Fourth, of the united kingdoms
 of Great Britain and Ireland, king,
 defender of the faith, A. F., of ———,
 in the said county, yeoman, and
 B. F., of ———, in the county afore-
 said, ———, personally came before
 me, J. P., esquire, one of his ma-
 jesty's justices of the peace in and
 for the said county, and acknow-
 ledged themselves to owe to our said
 lord the king the sum of ———
 pounds each, to be made and levied
 of their goods and chattels, lands
 and tenements respectively, to the
 use of our said lord the king, his
 heirs and successors, if default shall
 be made in the condition following:
 Whereas, by an order under the
 hands and seals of J. P. and K. P.,
 esquires, two of his majesty's jus-
 tices of the peace for the said county
 of ———, one whereof is of the
 quorum, and both of them residing
 next unto the limits of the parish
 church of E., in the said county of
 ———, A. F., of ———, in the said
 county, yeoman, is adjudged to be
 the reputed father of a male [or fe-
 male] bastard child, lately born of
 the body of A. M., of E. aforesaid,
 single woman, at ———, in the said
 parish of E. [and then set forth what
 was therein ordered, adopting the very
 words of the order.] And whereas
 the said A. F. has not observed the
 said order, and has given notice to
 the said two justices, or to one of
 them, and also to the churchwardens
 and overseers of the poor of the said
 parish of E., or to one of them, ten
 clear days at least before the next
 general quarter sessions of the peace,
 of his intention of appealing against
 the said order, and of the cause and
 matter thereof. The condition of
 this recognisance is such, that if
 the above-bound A. F. shall per-
 sonally appear at the next general
 quarter sessions of the peace, to be
 holden at ———, in and for the said
 county, and shall then and there
 try such appeal, and abide the judg-
 ment and order of the justices at
 such quarter sessions assembled,
 and shall pay such costs as shall be
 by them awarded, then this recog-
 nisance to be void.
 Taken and acknowledged before
 me, J. P.

The counsel for the appellant then addresses the court, remarks upon the case stated on the part of the respondents, and either shews that it has not been proved by the evidence adduced in support of it, or he sets up a case in opposition to it, and calls witnesses to prove it.

If the appellant call witnesses to prove his case, the respondent's counsel will be entitled to the reply.

As to the evidence, *vide infra*.

It may be necessary to state, that no objection can be made to the order for want of form; for, by the statute 5 Geo. 2. c. 19. s. 1. all defects of form shall be amended by the justices, without costs; and, after such amendment, they shall proceed to examine the truth and merits of the case (*m*).

(*m*) See 5 Geo. 2. c. 19. s. 1.

Evidence.] The respondent must prove three things: first, that the woman was delivered of a living (*n*) child, (male or female, as stated in the order); secondly, that the child is a bastard; and, thirdly, that the appellant is the putative father of it. All this is usually proved by the testimony of the mother, confirmed, if necessary, by other evidence. If the woman be unmarried, she may prove the whole of it; that the child was born a bastard is of course proved by her testimony that she was unmarried, or not legally married (*o*), at the time of its birth and when it was begotten. If she be reputed to be a married woman, either she or the reputed husband may prove that she never was legally married (*p*).

(*n*) *R. v. De Brouquens*, 14 East, 277. ii. 1333.

(*o*) See *ante*, p. 33.

(*p*) *R. v. Bramley*, 6 T. R. 330. ii. 417. *R. v. St. Peter's*, Burr. S. C. 25. ii. 375.

If the woman be married, she may prove her delivery, and her connexion with the putative father (*q*); but not the non-access of her husband, which must be proved *aliunde* (*r*). Formerly, it was said, that if the husband was within the four seas, the issue of the wife should be

(*q*) *R. v. Reading*, Andr. 10. ii. 1384.

(*r*) *R. v. Kea*, 11 East, 132. ii. 418. See *R. v. Luffe*, 8 East, 193. ii. 419. *R. v. Rooke*, Wils. 340. ii. 1385.



APPENDIX OF STATUTES.

[5 Eliz. Cap. 4.]

*Act containing divers Orders for Artificers, Labourers, Servants
of Husbandry, and Apprentices.*

XXV. And be it further enacted, That if any person shall be required by any householder, having and using a plough-land at the least in tillage, to be an apprentice, and to serve in husbandry, or in any other kind of art, mystery, or science before expressed, and shall refuse so to do, that then upon complaint of such housekeeper made to the justice of the peace of the county where the said land is or shall be made, or of such householder inhabiting in any city, town corporate, or market town, to the mayor, bailiffs, or head officer of the said city, town corporate, or market town, if any such refusal shall there be, they shall have full power and authority by virtue hereof, to send for the same person so refusing: and if the said person meet and convenient to serve as an apprentice in that art, labour, science, or mystery wherein he shall be so then required to serve: that then the said justice, or the said mayor or head officer, shall have power and authority by virtue hereof, if the said person refuse to sound as an apprentice, to commit him unto ward, there to remain until he be contented, and will be bounden to serve as an apprentice should serve, according to the true

The punishment of him that refuseth to be an apprentice.

OL. I. F

The remedy for the apprentice which is misused by his master, and for the master when the apprentice doth not his duty.

Where an apprentice may be discharged of his apprenticeship.

intent and meaning of this present act. And if any such master shall misuse or evil intreat his apprentice, or that the said apprentice shall have any just cause to complain, or the apprentice do not do his duty to his master, then the said master or apprentice being grieved, and having cause to complain, shall repair unto one justice of peace within the said county, or to the mayor or other head officer of the said city, town corporate, market town, or other place where the said master dwelleth, who shall by his wisdom and discretion take such order and direction between the said master and his apprentice, as the equity of the cause shall require; and if for want of good conformity to the said master, the said justice of peace, or the said mayor or head officer cannot compound and agree the matter between him and his apprentice, then the said justice or the said mayor or other head officer shall take bond of the said master, to appear at the next sessions then to be holden in the said county, or within the said city, town corporate, or market town, to be before the justices of the said county, or the mayor or head officer of the said town corporate or market town, if the said master dwell within any such; and upon his appearance and hearing of the matter before the said justices, or the said mayor or other head officer, if it be thought meet unto them, to discharge the said apprentice of his apprenticeship, that then the said justices, or four of them at the least, whereof one to be of the *quorum*; or the said mayor or other head officer, with the assent of three other of his brethren, or men of best reputation within the said city, town corporate, or market town, shall have power by authority hereof, in writing under their hands and seals, to pronounce and declare that they have discharged the said apprentice of his apprenticeship, and the cause thereof; and the said writing so being made and enrolled by the clerk of the peace, or town clerk, amongst the records that he keepeth, shall be a sufficient discharge for the said apprentice against his master, his executors, and administrators; the indenture of the said apprenticeship, or any law or custom to the contrary notwithstanding. And if the default shall be found to be in the apprentice, then the said justices, or the said mayor or other head officer, with the assistance aforesaid, shall cause such due correction and punishment to be ministered unto him, as by their wisdom and discretions shall be thought meet.

A proviso for the cities of London and Norwich.

XL. Provided always, That this act, or any thing therein contained or mentioned, shall not be prejudicial or hurtful to the cities of *London* and *Norwich*, or to the lawful liberties, usages, customs, or privileges of the same cities, for or

learning the having or taking of any apprentice or apprentices; but that the citizens and freemen of the same shall and may take, have, and retain apprentices as, in such manner and form as they might lawfully be done before the making of this statute; this act or thing therein contained to the contrary in any wise notwithstanding.

XLII. And because there hath been, and is some question and scruple moved, whether any person, being within the age of one-and-twenty years, and bounden to serve as an apprentice, in any other place than in the said city of London, should be bounden, accepted, and taken as an apprentice:

He that is bound apprentice within the age of 21 years, is compellable to serve.

XLIII. For the resolution of the said scruple and doubt, It enacted by authority of this present parliament, That every such person or persons that at any time or times from henceforth, shall be bounden by indenture, to serve as an apprentice in any art, science, occupation, or labour, according to the tenor of this estatute, and in manner and form aforesaid, albeit the same apprentice, or any of them, shall be within the age of one-and-twenty years, at the time of the making of their several indentures, shall be bounden to serve for the years in their several indentures contained, as amply and largely to every intent, as if the same apprentice were of full age at the time of the making of such indentures; any law, usage, or custom to the contrary notwithstanding.

20th, Sect. 25—32, 36, 42, relating to apprentices, repealed by 54 Geo. 3. c. 56.

[18 Eliz. c. 3. s. 2.]

Justices of Peace shall order the Punishment of the Mother, and reputed Father of a Bastard, &c.

II. Concerning bastards begotten and born out of lawful matrimony (an offence against God's law or man's law,) the said bastards being now left to be kept at the charges of the parish where they be born, to the great burden of the same parish, and in defrauding of the relief of the impotent and god true poor of the same parish, and to the evil example and encouragement of lewd life: it is ordained and en-

A provision for the keeping of bastards. See 6 Geo. 2. c. 31; 49 Geo. 3. c. 68.

acted by the authority aforesaid, That two justices of the peace, (whereof one to be of the *quorum*, in or next unto the limits where the parish church is, within which parish such bastard shall be born, upon examination of the cause and circumstance) shall and may by their discretion take order as well for the punishment of the mother and reputed father of such bastard child, as also for the better relief of every such parish in part or in all; and shall and may likewise like discretion take order for the keeping of every such bastard child, by charging such mother or reputed father, with the payment of money weekly, or other sustentation for the relief of such child, in such wise as they shall think meet and convenient: and if after the same order by them subscribed and undert their hands, any the said persons, *viz.* mother or reputed father, upon notice thereof, shall not for their part observe and perform the said order, that then every such party making default in not performing of the said order, to be committed to ward to the common gaol: there to remain without bail or mainprise, except he, she, or they shall put sufficient surety to perform the said order, or else persons to appear at the next general sessions of the peace, to be holden in that county where such order shall be taken; and to abide such order as the said justices of the peace, or more part of them, then and there shall take in that behalf they then and there shall take any); and that if at the next sessions the said justices shall take no other order, then to abide and perform the order before made, as is above written. *3 Car. 1 c. 4. continued until the end of the first session of the parliament, and farther continued by 16 Car. 1. c. 4.*

[43 Eliz. c. 2.]

An Act for the Relief of the Poor.

Who shall be
overseers for
the poor;
their office,
duty, and
account, &c.

Be it enacted by the authority of this present parliament That the churchwardens of every parish, and four, three, two substantial householders there, as shall be thought meet having respect to the proportion and greatness of the same parish and parishes, to be nominated yearly in *Easter* week or within one month after *Easter*, under the hand and seal of two or more justices of the peace in the same county, whereof one to be of the *quorum*, dwelling in or near the same parish or division where the same parish doth lie, shall be called overseers of the poor of the same parish: and they, or

part of them, shall take order from time to time, by the consent of two or more such justices of peace aforesaid, for setting to work the children of all such persons who shall not by the said churchwardens and overseers the greater part of them, be thought able to keep and their children : and also for setting to work all such married or unmarried, having no means to maintain and use no ordinary and daily trade of life to get their : and also to raise weekly or otherwise (by taxation of inhabitant, parson, vicar and other, and of every occupation, lands, houses, tithes impropriate, appropriations of mines, or saleable underwoods in the said parish, competent sum and sums of money as they shall think convenient stock of flax, hemp, wool, thread, iron, and necessary ware and stuff, to set the poor on work : and to set sums of money for and towards the necessary relief of the lame, impotent, old, blind, and such other among the poor and not able to work, and also for the putting of such children to be apprentices, to be gathered out of the parish, according to the ability of the same parish, and to execute all other things, as well for the disposing of the said stock as otherwise concerning the premises as to them shall seem convenient :

Who shall be taxed towards the relief of the poor.

A convenient stock shall be provided to set the poor on work. See 17 Geo. 2. c. 37.

Which said churchwardens and overseers so to be notified or such of them as shall not be let by sickness or other excuse, to be allowed by two such justices of peace as is aforesaid, shall meet together at the least once a month in the church of the said parish, upon the Sunday next after divine service, there to consider of some order to be taken, and of some meet order to be set down for the same ; and shall within four days after the end of the year, and after other overseers nominated as aforesaid, lay and yield up to such two justices of peace as is aforesaid, a perfect account of all sums of money by them received and assessed and not received, and also of such sums as shall be in their hands, or in the hands of any of the work, and of all other things concerning their said parish and such sum or sums of money as shall be in their hands all pay and deliver over to the said churchwardens and overseers newly nominated and appointed as aforesaid ; and in that every one of them absents themselves without lawful cause as aforesaid, from such monthly meeting for the purpose aforesaid, or being negligent in their office, or in disobedience of the orders aforesaid, being made by and with the consent of the said justices of peace, or any two of them being so notified, to forfeit for every such default of absence or neglect the sum of twenty shillings.

The overseers shall meet once every month.

The overseer's account. See 17 Geo. 2. c. 38; 50 Geo. 3. c. 40.

The overseer's forfeiture for absence or negligence.

A provision where the inhabitants of any parish are not able to relieve the poor.

III. And be it also enacted, That if the said justice do perceive, that the inhabitants of any parish are not able to levy among themselves sufficient sums of money for the purposes aforesaid, that then the said two justices shall tax, rate, and assess as aforesaid, any other of other or out of any parish within the hundred where the same is, to pay such sum and sums of money to the churchwardens and overseers of the said poor parish for the said purposes: and the said justices shall think fit, according to the intent of the law: and if the said hundred shall not be thought fit to be able to provide for themselves as aforesaid; then the justices of peace at their general quarter sessions, or the next after, shall rate and assess as aforesaid, any other parishes, or out of any parish within the said hundred, for the purposes aforesaid, as in their discretion shall see.

A remedy for the levying of the money assessed.

IV. And that it shall be lawful, as well for the said justices, as for the subsequent churchwardens and overseers, or any of them, to take a warrant from any two such justices of peace, as is before said, to levy as well the said sums of money, and all arrears due to the said churchwardens and overseers, as any other one that shall refuse to contribute accordingly shall be assessed, by distress and sale of the offender's goods, as the sums of money or stock which shall be belated to the said churchwardens and overseers, rendering to them the overplus; and in defect of such distress, it shall be lawful for any such two justices of the peace to commit to the common gaol of the county, there without bail or mainprize until payment of the arrears, and stock: and the said justices of peace, or any one of them, to send to the house of correction any one of them, such as shall not employ themselves being appointed thereunto, as aforesaid; and such two justices of peace to commit to the said prison one of the said churchwardens and overseers which shall refuse to account, there to remain without bail or until he have made a true account, and satisfied as much as upon the said account shall be remain in his hands.

Imprisonment in default of distress.

Imprisonment of those that will not work.

Refusers to account, imprisoned.

Binding of children apprentices. See 18 Geo. 3. c. 47; 22 Geo. 3. c. 57; 42 Geo. 3. c. 46.

V. And be it further enacted, That it shall be lawful for the said churchwardens and overseers, or the justices of peace, by the assent of any two justices of the peace, to bind any such children, as aforesaid, to be apprentices where they shall see convenient, till such man-child be to the age of four-and-twenty years, and such woman to the age of one-and-twenty years, or the time of her marriage, as the same shall be as effectual to all purposes, as if

re of full age, and by indenture of covenant bound him or self. And to the intent that necessary places of habitation may more conveniently be provided for such poor impotent people; be it enacted by the authority aforesaid, at it shall and may be lawful for the said churchwardens and overseers, or the greater part of them, by the leave of the lord or lords of the manor, whereof any waste or common within their parish is or shall be parcel, and upon agreement before with him or them made in writing, under the hands and seals of the said lord or lords, or otherwise, according to any order to be set down by the justices of peace of the said county at their general quarter sessions, or the greater part of them, by like leave and agreement of the said lord or lords, in writing under his or their hands and seals, to erect, build, and to put up, in fit and convenient places of habitation in such waste or common, at the general charges of the parish, or otherwise of the hundred or county, as aforesaid, to be taxed, rated, and assessed in manner before expressed, convenient houses of dwelling for the said impotent poor; and also to place inmates, or more families than one in one cottage or house; one made in the one-and-thirtieth year of her Majesty's reign, intitled, *An act against the erecting and maintaining of cottages*, 31 El. c. 7. Any thing therein contained to the contrary notwithstanding; which cottages and places for inmates shall not at any time after be used or employed to or for any other habitation, but only for impotent and poor of the same parish, but shall be there placed from time to time by the churchwardens and overseers of the poor of the same parish, or the greater part of them, upon the pains and forfeitures contained in the said former act made in the said one-and-thirtieth year of her Majesty's reign.

Buildings of houses on the waste for the poor to inhabit.

VI. Provided always, That if any person or persons shall be themselves grieved with any cess or tax, or other act done by the said churchwardens and other persons, or by the said justices of peace: that then it shall be lawful for the justices of peace, at their general quarter-sessions, or the greater number of them, to take such order therein, as to them shall be thought convenient; and the same to conclude and bind all the said parties.

A remedy for them who find themselves grieved with any tax.

VII. And be it further enacted, That the father and grandfather, and the mother and grandmother, and the children of every poor, old, blind, lame, and impotent person, or other poor person not able to work, being of a sufficient ability, shall, at their own charges, relieve and maintain every such poor person in that manner, and according to that rate, as by the justices of peace of that county where such sufficient per-

Poor persons relieved by their parents or children.

sons dwell, or the greater number of them, at their quarter-sessions, shall be assessed; upon pain that every one of them shall forfeit twenty shillings for every man which they shall fail therein.

Officers of corporate towns have the authority of justices of peace.

VIII. And be it further hereby enacted, That the mayors, bailiffs, or other head officers of every town and place corporate and city within this realm, being justice or justices of peace, shall have the same authority by virtue of this act within the limits and precincts of their jurisdictions, as without of sessions, as at their sessions, if they hold any, as herein limited, prescribed and appointed to justices of the peace of the county, or any two or more of them, or to the justices of peace in their quarter-sessions, to do and execute for all the uses and purposes in this act prescribed, and for other justice or justices of peace to enter or meddle therewith, and that every alderman of the city of London within his ward, shall and may do and execute in every respect, so much as is appointed and allowed by this act to be done and executed by one or two justices of peace of any county within the realm.

Aldermen of London.

A parish extending into two counties, or into two liberties.

IX. And be it also enacted, That if it shall happen any parish to extend itself into more counties than one, or part to lie within the liberties of any city, town or place corporate, and part without, that then as well the justices of peace of every county, as also the head officers of such city, town, or place corporate, shall deal and intermeddle only in so much of the said parish as lieth within their liberties, and not any further; and every of them respectively within their several limits, wards, and jurisdictions, to execute the ordinances before-mentioned concerning the nomination of overseers, the consent to binding apprentices, the giving warrant to levy taxations unpaid, the taking account of churchwardens and overseers, and the committing to prison such as refuse to account, or deny to pay the arrearages due upon their accounts; and yet nevertheless, the said churchwardens and overseers, or the most part of them, of the said parishes that do extend into such several limits and jurisdictions, shall without dividing themselves, duly execute their office in all places within the said parish, in all things to them belonging, and shall duly exhibit and make one account before the said head officer of the town or place corporate, and one other before the said justices of peace, or any such two of them, as is aforesaid.

The justices' forfeiture for not naming of overseers.

X. And further be it enacted by the authority aforesaid That if in any place within this realm there happen to be

after no such nomination of overseers yearly, as is before intimated, that then every justice of peace of the county, living within the division where such default of nomination shall happen, and every mayor, alderman, and head officer of city, town, or place corporate where such default shall happen, shall lose and forfeit for every such default five pounds, to be levied towards the relief of the poor of the said parish or place corporate, and to be levied, as aforesaid, of their goods, by warrant from the general sessions of the peace of the said city, or of the same city, town, or place corporate, if they be sessions.

I. And be it also enacted by the authority aforesaid, That the penalties and forfeitures before-mentioned in this act to be levied by any person or persons, shall go and be employed to the use of the poor of the same parish, and towards a stock habitation for them, and other necessary uses and relief, before in this act are mentioned and expressed; and shall be levied by the said churchwardens and overseers, or any of them, by warrant from any two such justices of peace, mayor, alderman, or head officer of city, town, or place corporate respectively within their several limits, by distress sale thereof, as aforesaid; or in defect thereof, it shall be lawful for any two such justices of peace, and the said churchwardens and head officers within their several limits, to commit the offender to the said prison, there to remain without bail or mainprize till the said forfeitures shall be satisfied paid.

How the forfeiture shall be levied and employed.

II. And be it further enacted by the authority aforesaid, That the justices of peace of every county or place corporate, shall rate the more part of them, in their general sessions to be holden next after the feast of *Easter* next, and so yearly as often as they shall think meet, shall rate every parish to such weekly sum of money as they shall think convenient; so that no parish be rated above the sum of sixpence, nor under the sum of a halfpenny weekly to be paid, and so as the total sum of such taxation of the parishes in every county, amount to above the rate of two-pence for every parish within the said county; which sums so taxed shall be yearly assessed to the agreement of the parishioners within themselves, or, in default thereof, by the churchwardens and petty constables of the same parish, or the more part of them: or, in default of their agreement, by the order of such justice or justices of peace as shall dwell in the same parish, or (if none be there dwelling) in the parts next adjoining.

The justices shall rate every parish to a weekly sum.

XIII. And if any person shall refuse or neglect to pay any

The penalty for refusing

to pay money taxed. such portion of money so taxed, it shall be lawful for the churchwardens and constables, or any of them, or, in the default, for any justice of peace of the said limit, to levy the same by distress and sale of the goods of the party so refusing or neglecting, rendering to the party the overplus; and in default of such distress, it shall be lawful to any justice of the said limit to commit such person to the said prison, there to abide without bail or mainprize, till he have paid the same.

Relief for the prisoners of King's Bench and Marshalsea hospitals. For what time, and to what purpose, the stat. of 39 El. c. 3. shall be put in execution.

XIV. XV. XVI. [*Repealed by 53 Geo. 3. c. 113. s. 1.*]

XVII. And be it enacted, that the statute made in the ninth-and-thirtieth year of Her Majesty's reign, intituled, *Act for the relief of the poor*, shall continue and stand in full force and effect until the feast of *Easter* next; and that all taxes heretofore imposed and not paid, nor that shall be paid before the said feast of *Easter* next; and that all taxes heretofore before the said feast, to be taxed by virtue of the said statute, which shall not be paid before the said feast of *Easter*, shall and may after the said feast of *Easter*, be levied by the overseers and other persons in this act respectively appointed to levy taxations, by distress, and by such warrant in that respect, as if they had been taxed and imposed by virtue of this act, and were not paid.

The island of Fowles in Essex.

XVIII. Provided always, That whereas the island of *Fowles* in the county of *Essex*, being environed with sea, and having a chapel of ease for the inhabitants thereof, and yet the said island is no parish, but the lands therein are situated within divers parishes far distant from the said island; be it therefore enacted by the authority aforesaid, That the said justices of peace shall nominate and point inhabitants within the said island, to be overseers of the poor people dwelling within the said island, and both they the said justices and the said overseers, shall have the same power and authority to all intents, considerations and purposes, for the execution of the parts and articles of this act, and shall be subject to the same pains and forfeitures, and likewise that the inhabitants and occupiers of lands therein shall be liable and chargeable to the same payments, charges, expences, and orders, in such manner and form as if the same island were a parish: in consideration whereof neither the said inhabitants or occupiers of land within the said island, shall not be compelled to contribute toward the relief of the poor of those parishes wherein their houses or lands which they occupy within the said island are situated, for or by reason of their said habitations or occupancy, other than for the relief of the poor people within the

nor yet shall the other inhabitants of the parishes whose houses or lands are situated, be compelled, by their residency or dwelling, to contribute to the poor inhabitants within the said island.

be it further enacted, That if any action of The defendant's plea in a suit commenced against him upon this statute. other suit shall happen to be attempted and not any person or persons, for taking of any thing of any sale, or any other thing doing, by this present act, the defendant or defendants in action or suit shall and may either plead not herwise make avowry, cognizance, or justification of the said distresses, making of sale, or doing by virtue of this act, alleging in such cognizance, or justification, That the said distress, or other thing whereof the plaintiff or plaintiffs, was done by authority of this act, and the tenor, purport, and effect of this act, with reciting or rehearsal of any other matter or thing contained in this present act: to which cognizance or justification, the plaintiff shall be in reply, That the defendant did take the said distress, or did any other act or trespass in making his declaration, of his own wrong, without any allegation by the said defendant; whereupon the plaintiff or plaintiffs such action shall be joined, to be tried by twelve men, and not otherwise, as is accustomed in civil actions: and upon the trial of that issue the matter to be given on both parties in evidence to the very truth of the same; and if the plaintiff be tried for the defendant, or non-suit of the defendant, Treble damages for the defendant, and his costs. appearance, the same defendant to recover costs, by reason of his wrongful vexation in that behalf, his costs also in that part sustained, and that to be paid by the same jury, or writ to inquire of the same shall require.

And it is enacted, That this act shall endure no longer than to the end of the next session of parliament,

Continued until the end of the first session of the next parliament, and farther continued by 16 Car. I. c. 4.

[7 Jac. c. 3.]

*An Act for the continuing and better Maintenance of Husb
and other manual Occupations, by the true employment of
monies given and to be given for the Binding out of Apprentices*

How money
given for the
binding of
poor children
to occupa-
tions, shall
be bestowed.

“Forasmuch as the true labour and exercise of
bandry, and the bringing up of apprentices of both
in trades and manual occupations, are things very profit-
able in the commonwealth, and acceptable and pleasing
to Almighty God, there being already great sums of money
freely given, and more in time to come like to be given
by divers well-disposed persons, unto the corporations of
cities, boroughs, towns corporate, and unto divers petty
sundry towns not corporate, and parishes within this
Kingdom of England, to be continually employed in the binding
out as apprentices of a great number of the poorest sort of
children unto needful trades and occupations; the experience
whereof hath brought forth very great profit and comfort
unto those cities, towns, and parishes where any parts of
said monies have been so given and employed, and no
doubt there will consequently ensue thereof the excellent
good of the commonwealth in general: and for the
most part of the poorer sorts of children would (as be-
fore) without such good care and assistance, be brought
up in idleness and disordered kinds of life, to their utter
ruin and throw, and to the great prejudice of the whole com-
monwealth; and for that it is very likely that many other
well-disposed people will be the better encouraged will
to follow the like good example, in bestowing of good
sums of monies to the same good and godly purposes, if it
be so provided, that such monies as have been already
freely given, or as hereafter shall be given for the binding
out of such poor children apprentices, may continually be
remain, and be wholly employed accordingly.”

How money
given for the
binding out
of appren-
tices of poor
children shall
be employed,
and by whom.

II. Be it therefore enacted by the King's most ex-
cellent majesty, the lords spiritual and temporal, and the com-
mons in this present parliament assembled, and by the autho-
rity of the same, That all sums of money so freely given at any
time within three years last past, or hereafter to be given by
any person or persons, to be continually employed for the binding
out of apprentices, as aforesaid, shall for ever from hence
continue, and be from time to time used and employed for the
uses, intents, and purposes only, and by such persons,

and form as shall be hereafter by this present act declared, except the same have been, or shall be dered or disposed by the givers thereof; that is all corporations of all cities, boroughs, and ate, by what name or names soever they shall be orporated, and in towns and parishes not incor- arson or vicar of every such town or parish, to- he constable or constables, the churchwarden or as, collectors, and the overseers for the poor for g, or the most part of them, where any such sum- ney are already given, or shall be hereafter given oyed, shall from time to time, within the said boroughs, towns, and parishes respectively, have n and placing of such apprentices, and the guiding ent of all such monies as have been heretofore so ch hereafter shall be given, to and for the con- g forth of such and so many apprentices, and in s already, or shall hereafter be so given and ap- r by the last will and testament, or by any wri- ings under the hands and seals of any person or hath already, or hereafter shall so give, any sum onies unto the good and godly purposes and in- id; and if the corporation of any such cities, towns corporate, by what name or names soever called or incorporated, or any the person or per- her towns and parishes above mentioned, appoint- : to have continually the guiding and employment of monies so already given, or hereafter to be intents and purposes aforesaid, shall at any time fully forbear or refuse, according to their duties , to employ such sums of money so given or to be resaid, for the binding out of such apprentices, by ch wilful forbearance or refusing, the said money mployed accordingly, that *then* they and every of ding, contrary to this act, shall forfeit, for every the sum of three pounds six shillings and eight- *English* money; the one half thereof to be given f the town or parish where such fault or offence or committed, the other moiety to the party that the same; and that every man that will, may, admitted to sue for the same moiety, for the use f the said poor, and shall be also admitted to sue ture of the other moiety in any of the King's arts of record, to his own benefit and behoof, by st, bill, plaint, or information, wherein no pro- of law, or essoin, shall be admitted or allowed.

The forfeiture of those who of duty ought, and yet refuse to employ the money.

for that all monies so given may the better con- The party which re-

ceiveth the money shall be bound with sureties to repay it.

tinue to and for the purposes aforesaid, be it enacted, by the authority aforesaid, That the master, mistress or dame of every such apprentice or apprentices, that shall receive any such sum or sums of money as aforesaid, shall become bound with one or two sufficient sureties, by bond or obligation to double the sum which they and every of them shall so receive with such apprentice or apprentices as aforesaid, unto the corporation of any such city or town corporate, by what name names soever they shall be called or incorporated, or to any person or persons in the other towns and parishes not incorporated, appointed by this act to have continually the guidance and employment of all such sums of money so already given or hereafter to be given, to the intents and purposes aforesaid respectively; upon condition to repay such sum or sums of money, as he or she shall receive with any such apprentice or apprentices, at the end of seven years next ensuing the date of the said obligation, or within three months next after the end of the said seven years: and if such apprentice shall happen to die within the said space of seven years, then within one year after his or her said death; and if the master, mistress, or dame to whom any such apprentice or apprentices shall be bound, shall happen to die within the said space of seven years, then within one year next after his or her death; so as the said monies may be again employed in placing such apprentice with some other person of the same trade, to serve out the residue of the years of his or her former apprenticeship, by the discretion of the said parties trusted as aforesaid.

Within what time the money shall be put forth.

A provision if there be not fit persons in that parish to be apprentices.

IV. And be it further enacted by the authority aforesaid, That every such sum or sums of money so given, or to be given in manner and form, and to and for the good use and intents aforesaid, shall always be put forth and employed by the parties aforesaid, that by this act shall have the disposing and employment thereof, within three months at the furthest, after such money shall come to the hands of the said parties, that by the intent and true meaning of this act, ought to dispose and employ the same; and if at such times there shall not be found fit and apt persons to be bound out as apprentices as aforesaid, within the said cities, towns, and parishes where such sums of money are or hereafter shall be given, be employed, as afore is declared; then such of the poor children of any of the parishes next adjoining, shall be bound out as apprentices in manner as aforesaid, as by the care and discretions of the parties which by this act have the disposing and employment of the said sums of money in the cities, towns, and parishes where it was first given to be employed, shall be thought fit and convenient, taking such bonds

of the persons that shall receive the said sums of it forth, and with such sureties, and upon such as is above mentioned and declared.

led always, and be it enacted by the authority What sort of
That choice from time to time be made of the persons shall
of children of every such city, town, and parish, be appren-
monies shall be so given, and whose parents are tices.
to relieve them: and that no such apprentice
re the age of fifteen years when he or she shall be
d out an apprentice.

for the better execution of this act, be it further Accounts shall
the authority aforesaid, That all and every person be made of
appointed by this act to have the employing and the money
'any sum or sums of money so given or to be given, employed.
, within any town or parish not corporate, shall
d of this present session of parliament, once every
Easter week, or within one month next after Easter
a true and perfect account before four, three, or
s of the peace dwelling in or next to every the
or parishes, of all such sum and sums of money as
of them have employed in binding of apprentices,
'this act, and of all bonds and obligations taken for
at thereof; and also of all such sums of money as
appen to be remaining in their hands not em-
d also shall at the making and yielding up of
ount, or within ten days then next following, yield
up unto such as shall happen next to succeed
men to be in the said rooms and places, all such
and bonds as by them or any of them have been
time taken to the uses aforesaid; as also all sums
remaining in their or any of their hands, to be
s aforesaid, and not employed at the time of the
of the said account.

d further, be it enacted, by the authority afore- A remedy
if any of the parties appointed and trusted by this where any
s the disposing and employment of any of the said party trusted
oney so given or to be given as aforesaid, shall in shall break
or degree break the trust and confidence in them the trust, or
alf reposed, or shall commit any other misdemeanor commit any
in misemploying of the said sums of money, or any offence.
of, or in doing any other act or acts contrary to
s, and the true intent and meaning of this act, for
e is not by this act any penalty given or appointed,
all and may be lawful for any person or persons
r, in the behalf of the poor of such city, borough,

or parish, to exhibit his petition to the lord chancellor or lord keeper of the great seal of *England*, for the time being touching the same: which lord chancellor, or lord keeper of the great seal of *England*, for the time being, shall thereupon have full power and authority to award a commission out of the high court of chancery, under the great seal of *England* to such and so many persons as his lordship shall think meet to enquire, hear, and determine the said offences, and every of them; and if the said commissioners, or the major part of them, shall find that any sum or sums of money given or to be given, are lost, impaired, wasted, or diminished, then they, or the most part of them, shall likewise have power, by virtue of this act and of their said commission to rate, raise, and collect the said sum of money so lost, impaired, wasted, or diminished, upon such person or persons in places not incorporate, as by this act are appointed to have the guiding and ordering of the said monies, if they or any of them have failed in their said duties in that behalf, or otherwise upon the able inhabitants of such city, town, or parish where the same shall so happen, as in the discretion of the said commissioners, or the greatest part of them shall be thought fittest, and to return the said commission and the manner of the execution thereof, into the said high court of chancery, within three months next after the execution thereof: and if any person or persons shall find himself grieved by any thing done by the said commissioners, then upon complaint thereof made in the high court of chancery, the said lord chancellor or lord keeper for the time being, shall have full power and authority to order and decree the same, as to his lordship shall be thought most fit to stand with equity and good conscience.

A remedy for any party grieved by the commissioners.

[7 Jac. c. 4.]

An Act for the due Execution of divers Laws and Statutes heretofore made against Rogues, Vagabonds, and sturdy Beggars, and other lewd and idle Persons.

The punishment of lewd women who have bastards.
Repealed by 50 Geo 3. c. 51. s. 1.

VII. "And because great charge ariseth upon many places within this realm by reason of bastardy, besides the great dishonour of Almighty God;" Be it therefore enacted, by the authority aforesaid, That every lewd woman, which after this present session of parliament shall have any bastard which may be chargeable to the parish, the justices of peace shall commit such

woman to the house of correction, there to be punished, and work, during the term of one whole year; and if she oftens offend again, that then to be committed to the said of correction, as aforesaid, and there to remain until she ut in good sureties for her good behaviour, not to offend so

II. "And for that many wilful people finding that having children, have some hope to have relief from parish wherein they dwell, and being able to labour, thereby to relieve themselves and their families, do nevertheless run away out of their parishes, and leave their lies upon the parish;" For remedy whereof, be it enacted by this present parliament, and the authority is same, That all such persons so running away shall be deemed incorrigible rogues, and endure the of incorrigible rogues: and if either such man or an being able to work, and shall threaten to run away, leave their families as aforesaid, the same being proved to sufficient witnesses upon oath, before two justices of e in that division; that then the said persons so threat- s, shall by the said justices of peace be sent to the es of correction (unless he or she can put in sufficient ties for the discharge of the parish), there to be dealt and detained as a sturdy and wandering rogue, and to be erred at the said assembly or meeting, or at the quarter ons, and not otherwise.

A remedy for them that run away, and leave their children to the charge of the parish

[7 Jac. c. 5.]

Act for Ease in pleading against troublesome and contentious suits prosecuted against Justices of the Peace, Mayors, Constables, and certain other His Majesty's Officers, for the lawful execution of their Office.

For ease in pleading against many causeless and con- Justice of Peace, &c. may plead the general issue. See 21 Jac. 1. c. 12.
ous suits which have been, and daily are commenced prosecuted against justices of peace, mayors or bailiffs ties and towns corporate, headboroughs, portreves, con- es, tithingmen, collectors of subsidies and fifteens, who due execution of their office have been troubled and sted, and still are like to be troubled and molested by disposed contentious persons, to their great charge and uragement in doing of their offices:" Be it there-

and allowed
double costs.

Continuance
of this act.

fore enacted by our sovereign lord the king, an
lords spiritual and temporal, and commons, in the
parliament assembled, and by the authority of the
That if an action, bill, plaint, or suit upon the case,
battery, or false imprisonment shall be brought at
days next after the end of this session of parliament
of his majesty's courts at *Westminster*, or elsewhere
any justice of peace, mayor or bailiff of city or town
rate, headborough, portreeve, constable, tithingman
lector of subsidy or fifteens, for or concerning any
cause, or thing, by them or any of them done, by
reason of their, or any of their office or offices, shall
be lawful to and for every such justice of peace,
bailiff, constable, or other officer or officers before
and all others which in their aid or assistance, or
commandment, shall do any thing touching or
his or their office or offices, to plead the general issue
he or they are not guilty; and to give such evidence
in evidence to the jury which shall try the said
special matter being pleaded, had been a good
sufficient matter in law to have discharged the said
or defendants of the trespass, or other matter laid
their charge; and that if the verdict shall pass
said defendant or defendants in any such action, or
tiff or plaintiffs therein become nonsuit, or suffer
continuance thereof, that in every such case the justice,
justice, or such other judge before whom the said
shall be tried, shall, by force and virtue of this act
unto the defendant or defendants his or their double
which he or they shall have sustained by reason
wrongful vexation in defence of the said action
for which the said defendant or defendants shall be
remedy as in other cases where costs by the law
realm are given to the defendants. And this act
shall continue for seven years, and from thence to the end of
the next session of parliament after the said seven years
*statute is enlarged, and made perpetual, 21 Jac. I. c. 11
see 21 Jac. I. c. 28. which only continues it to the end of
session of the next parliament.*

[21 Jac. c. 12.]

*Act to enlarge and make perpetual the Act made for Ease in
suing against troublesome and contentious Suits prosecuted
against Justices of the Peace, Mayors, Constables, and certain
other His Majesty's Officers, for the lawful Execution of their
Office, made in the seventh Year of His Majesty's most happy
reign.*

Whereas an act, intituled, *An act for ease in pleading against
bloome and contentious suits prosecuted against justices of the
peace, mayors, constables, and certain other his majesty's officers,
for the lawful execution of their office, made in the seventh year of
his majesty's most happy reign of England*, was made to continue
for seven years, and from thence to the end of the next
parliament after the said seven years, which by experience
has since been found to be a good and profitable law :

The statute
of 7 Jac. 1. c.
5. enlarged
and made
perpetual.

I. Be it therefore enacted by the king's most excellent
majesty, the lords spiritual and temporal, and the commons,
his present parliament assembled, and by the authority of
same, That the said act shall, from and after the end of
the present session of parliament, be perpetual and have con-
tinuance for ever.

II. And be it further enacted by the authority aforesaid, Churchwardens and
at all churchwardens, and all persons called sworn-men, overseers of
relating of the office of churchwardens, and all overseers of
the poor, and all others which in their aid and assistance, or
their commandment, shall do any thing touching or con-
cerning his or their office or offices, shall hereafter be enabled
to receive, and have such benefit and help by virtue of the
said act, to all intents, constructions, and purposes, as if they
had been specially named therein.

Churchwardens and
overseers of
the poor shall
be compre-
hended with-
in the pur-
view of 7 Jac.
1. c. 5.

IV. And whereas notwithstanding the said statute the
plaintiff is at liberty to lay his action which he shall bring
against any justice of peace, or other officer, in any foreign
country at his choice, which hath proved very inconvenient
to sundry of the officers and persons aforesaid, that have
been impleaded by some contentious and troublesome persons
in countries far remote from their place of habitations.

V. Be it therefore enacted, by the authority aforesaid, An action
that if any action, bill, plaint, or suit upon the case, brought
against a

justice of
peace, &c.
shall be laid
in the county
where the
fact was com-
mitted.

trespass, battery, or false imprisonment, shall be after the end of this present session of parliament, against the justice of peace, mayor, or bailiff of city or town or headborough, portreve, constable, tithingman, collector of subsidy or fifteens, churchwardens, and persons called men, executing the office of churchwarden or overseer of the poor, and their deputies, or any of them, or any other in their aid and assistance, or by their commandment any thing touching or concerning his or their office or for or concerning any matter, cause, or thing by them or of them done, by virtue or reason of their or any office or offices, that the said action, bill, plaint, or suit shall be laid within the county where the trespass or fact done and committed, and not elsewhere; and that it shall be lawful to and for all and every person and persons to plead thereunto the general issue, that he or she is not guilty, and to give such special matter in evidence to the jury which shall try the same, as in or by the said statute is limited or declared: and that if upon the trial of such action, bill, plaint, or suit, the plaintiff or plaintiffs therein shall not prove to the jury which shall try the same that the trespass, battery, imprisonment, or other cause of his, her, or their such action, bill, plaint, or suit, or were had, made, committed, or done within the county wherein such action, bill, plaint, or suit, shall be brought, then, in every such case, the jury which shall try the same shall find the defendant and defendants in every such action, bill, plaint, or suit, not guilty, without having any regard to any evidence given by the plaintiff or plaintiffs therein, touching the trespass, battery, imprisonment, or other cause for which the same action, bill, plaint, or suit, or shall be brought: and if the verdict shall pass against the defendant or defendants in any such action, bill, plaint, or suit, or the plaintiff or plaintiffs therein become nonsuited, or suffer any discontinuance thereof, that in every such case the defendant or defendants shall have such double costs and other advantages and remedies, as in and by the said statute is limited, directed, or provided.

The defendant shall have double costs.

[13 & 14 Car. 2. c. 12.]

An Act for the better Relief of the Poor of this Kingdom.

Whereas the necessity, number, and continual increase of poor, not only within the cities of *London* and *West-ster*, with the liberties of each of them, but also through whole kingdom of *England* and dominion of *Wales*, is very it and exceeding burthensome, being occasioned by reason the defects in the law concerning the settling of the poor, for want of a due provision of the regulations of relief employment in such parishes or places where they are lly settled, which doth enforce many to turn incorrigible as, and others to perish for want, together with the lect of the faithful execution of such laws and statutes as e formerly been made for the apprehending of rogues and abonds, and for the good of the poor;" for remedy reof, and for the preventing the perishing of any of the r, whether young or old, for want of such supplies as necessary, may it please your most excellent majesty : it may be enacted; and be it enacted by the king's t excellent majesty, by and with the advice and consent he lords spiritual and temporal, and the commons in this tent parliament assembled, and by the authority of the e, That whereas by reason of some defects in the law, e people are not restrained from going from one parish to ther, and therefore do endeavour to settle themselves in e parishes where there is the best stock, the largest com- as or wastes to build cottages, and the most woods for m to burn and destroy; and when they have consumed it, n to another parish, and at last become rogues and vaga- ds, to the great discouragement of parishes to provide ks, where it is liable to be devoured by strangers; be herefore enacted by the authority aforesaid, that it shall l may be lawful, upon complaint made by the church- dens or overseers of the poor of any parish, to any ice of peace, within forty days after any such person or sons coming so to settle as aforesaid, in any tenement er the yearly value of ten pounds, for any two justices of peace, whereof one to be of the *quorum*, of the division re any person or persons that are likely to be chargeable he parish shall come to inhabit, by their warrant to re- e and convey such person or persons to such parish re he or they were last legally settled, either as a native, holder, sojourner, apprentice, or servant, for the space

The occasion
of increase of
poor.

Poor people
going from
one parish to
another.

How to be
settled,
coming to
any tene-
ment under
ten pounds
yearly value.
See 38 Geo. 3.
c. 101. s. 1.;
59 Geo. 3. c.
50.; 6 Geo. 4.
c. 57.

of forty days at the least, unless he or they give sufficient security for the discharge of the said parish, to be allowed the said justices.

Persons aggrieved may appeal to the quarter sessions.

II. Provided always, That all such persons who think themselves aggrieved by any such judgment of the said two justices may appeal to the justices of the peace of the said county at their next quarter sessions, who are hereby required to do them justice, according to the merits of their cause.

Persons going to work in harvest.

III. Provided also, That (this act notwithstanding) it shall and may be lawful for any person or persons to go into any county, parish, or place, to work in time of harvest, or time to work at any other work, so that he or they carry with him or them a certificate from the minister of the parish, or one of the churchwardens, and one of the overseers for the poor for the said year, that he or they have a dwelling-house or place in which he or they inhabit, and have left wife or children, or some of them there (or otherwise, as the custom of the persons shall require), and is declared an inhabitant or inhabitants there: and in such case, if the person or persons shall not return to the place aforesaid, when their work is finished, or shall fall sick or impotent while they are in the said work, it shall not be accounted a default in the cases abovesaid, but that it shall and may be lawful for two justices of the peace to convey the said person or persons to the place of his or their habitation as aforesaid under the pains and penalties in this act prescribed; and if such person or persons shall refuse to go, or shall not remain in such parish where they ought to be settled as aforesaid, but shall return of his own accord to the parish from whence he was removed, it shall and may be lawful for two justices of the peace of the city, county, or town corporate where the said offence shall be committed, to send such person or persons offending to the house of correction, there to be punished as a vagabond, or to a public workhouse, in pursuance of the present act hereafter mentioned, there to be employed in any work or labour; and if the churchwardens and overseers of the poor of the parish to which he or they shall be removed refuse to receive such person or persons, and to provide work for them, as other inhabitants of the parish, any justice of the peace of that division may and shall thereupon bind any constable or officers in whom there shall be default, to the said workhouse or sessions, there to be indicted for his or their contempt in that behalf.

Corporations or work-houses in the

IV. And, for the further redress of the mischiefs intended to be hereby remedied, be it enacted by the authority aforesaid

om thenceforth there be, and shall be, one or cities of London and Westmin-
 tion or corporations, workhouse or workhouses, ster, Middle-
 ties of *London* and *Westminster*, and within the sex, *Surrey*.
 vns, and places of the county of *Middlesex* and
 e, lying, and being within the parishes mentioned
 bills of mortality, consisting of a president, a
 e president, and a treasurer; and that the lord
 city of *London* for the time being be president of
 ion or corporations, workhouse or workhouses,
 aid city, and the assistants to be the aldermen
 ity of *London* for the time being, and fifty-two
 s to be chosen by the common council of the
 id that the said president and assistants, or the
 f them, shall and may elect a deputy-president
 r, and all other necessary officers hereby constitu-
 horised to execute the powers and offices by
 inted; and that upon the vacancy by death or
 any assistant, the power to elect in their rooms
 l common council; and the election of the deputy-
 treasurer, and all other officers, in the said pre-
 major part of the assistants as aforesaid: and
 lent, a deputy president, a treasurer and assistants
 d and appointed by the lord chancellor, or lord
 e great seal of *England*, for the time being, out of
 persons inhabiting in the city of *Westminster*, or the
 reof, for the corporation or corporations, work-
 rkhouses, within the same.

for the said places within the weekly bills of mor- President,
 said counties of *Middlesex* and *Surrey* respectively, deputy presi-
 be elected and chosen by the major part of the dent, treas-
 the peace for the said counties in their respective rer, and as-
 sions assembled, out of the most able and honest sistants for
 and freeholders of every of the said counties of Middlesex
 and *Surrey* respectively, a president, a deputy-pre- and *Surrey*,
 treasurer, and assistants for the corporation or cor- how to be
 workhouse or workhouses, of the places aforesaid elected.
 s and *Surrey*; and that upon the vacancy by death
 ie of any of the presidents, deputy-presidents,
 , or assistants, in the city of *Westminster*, and places City of West-
 n *Middlesex* and *Surrey*, the power to elect others in minster.
 s be in the major part of the respective justices of
 in their general quarter sessions, from time to time,
 rdingly supply such vacant places; and that at
 rter sessions they shall require and take an account
 of all the receipts, charges, and disbursements of
 s and treasurer of such corporation or corporations,
 e or workhouses, how and how many poor people

have been employed and set to work in the year last past what stock there was and is remaining; which president, deputy president, and treasurer for the time being respectively, shall for ever hereafter, in name and fact, be bodies corporate in law, to all intents and purposes, and have a perpetual succession, and may sue or plead, or be and impleaded, by the name of the president and governors for the poor of the respective places aforementioned, in courts and places of judicature within this kingdom, and dominion of *Wales*, and the town of *Berwick-upon-Tweed* and by that name every of the said corporations shall and without licence in *mortmain*, purchase or receive any tenements, or hereditaments, not exceeding the yearly value three thousand pounds *per annum*, of the gift, alienation or devise of any person or persons, who are hereby without their licence enabled to give the same, and any goods, cheques or sums of money whatsoever, to the use, intent, and purposes, hereafter limited and appointed; and that each respective corporation, or any seven of them, shall have by power and authority, from time to time, to meet and courts for the ends and purposes in this act expressed, at time and place as shall be appointed by the said president, deputy, or the treasurer, who are hereby required upon the desire of any four of the said corporation, at any time to a court to be warned accordingly, and shall have hereby authority from time to time to make and appoint a committee for the use of the said corporation.

The powers
of the said
president and
governors of
the said corporations.

VI. And it is further enacted by the authority aforesaid That it shall and may be lawful to and for the said president and governors of the said corporations for the time being or any two of them, or to or for any person authorized and appointed by them, or any two of them, from time to time to apprehend, or cause to be apprehended, any rogues, vagabonds, sturdy beggars, or idle and disorderly persons within the said cities and liberties, places, divisions or precincts, and to cause them to be kept and set to work in the several and respective corporation or workhouse, and it shall and may be lawful for the major part of the justices of peace in their quarter sessions, to signify unto His Majesty's privy council the names of such rogues, vagabonds, idle and disorderly persons, and sturdy beggars, whom they shall think fit to be transported to the *English plantations*; and upon the approbation of His Majesty's privy council to the said justices of peace signified, which persons shall be transported, it shall and may be lawful for any one or more of the justices of the peace then to transport or cause to be transported from time to time, during the

three years next ensuing the end of this present sessions of parliament, to any of the *English* plantations beyond the there to be disposed in the usual way of servants, for a not exceeding seven years.

II. And be it further enacted by the authority aforesaid, If the president and governors of any of the said corporations shall certify under their common seal, their want defect either of a present stock for the foundation of the hospital, or for supply thereof for the future, and what sum of money they shall think fit for the same, to the common council of the said city of *London*, and the burgesses justices of peace in their quarter sessions of the said city of *Westminster* and the liberties thereof, or the justices of the peace in their respective counties of *Middlesex* and *Surrey* assembled in their quarter sessions; that thereupon the common council of the said city of *London*, and the burgesses of the said city of *Westminster*, and the justices of peace of the said cities and counties in their quarter sessions assembled, are hereby required from time to time to set down and ascertain such sum and sums of money for the purposes aforesaid, not exceeding one year's rate from time to time usually set upon any person for or towards the relief of the poor, and to apportion the same in proportion out upon the several wards, precincts, streets, divisions, hundreds, and parishes, as they shall think fit; and thereupon the aldermen, deputies, and common councilmen of every ward in the city of *London*, and the justices and justices of the peace of the city of *Westminster* and the liberties thereof, and justices of the peace of the counties of *Middlesex* and *Surrey*, shall have power and authority, and are hereby required, equally and indifferently, according to the proportions appointed as aforesaid for the several wards, precincts, cities, and parishes as aforesaid, to assess and rate the several inhabitants within the said respective wards, precincts, and parishes, as well within liberties as without; with which tax if any person or persons him or themselves aggrieved, supposing the same to be unequal, he or they shall and may make their complaint unto the justices of the peace at the next open sessions, who shall take such final order therein as in like cases is usually by the law provided.

III. And it is further enacted by the authority aforesaid, that it shall and may be lawful to and for any alderman of the city of *London*, or his deputy, or the burgesses and justices of peace of the city of *Westminster* and the liberties thereof, or any two or more of them, or any two justices of the peace of the respective counties of *Middlesex* and *Surrey*, by

L. I. G

A stock for supply of the work, how to be provided in *London*, *Westminster*, *Middlesex*, *Surrey*.

their warrant under their hands and seals, to authorize churchwardens or overseers for the poor within the parishes and parishes aforesaid, to demand, gather, and receive every person and persons such sum and sums of money as shall be assessed upon them by virtue of the taxations and contributions aforesaid; and for default of payment within ten days after demand thereof made, or notice in writing at the dwelling-house or lodging of every person so assessed to levy the same by distress and sale of goods of every person, and after satisfaction made, to restore the surplus to the party so distrained.

Stocks formerly in London for the relief of the poor, how to be paid.

IX. And be it enacted by the authority aforesaid, That all stocks raised for the relief and employment of the poor in the city of *London* and liberties thereof, which were in the hands of a corporation heretofore appointed in the aid for that service, or in the hands of any other persons or persons whatsoever, before the nine-and-twentieth day of *September* which was in the year of our Lord one thousand six hundred and sixty, commonly called the feast of *Michael* the archangel, or at any time since, together with all the arrears of money formerly allotted for that service or legacies given to the same end, shall be payable to the treasurer of the corporation or corporations, workhouse or workhouses, to be established by this present act, who shall hereby authorized and empowered by themselves, or by officers thereunto by them deputed, to collect, gather, receive, and recover the said money and legacies which shall be due and in arrear as aforesaid; with which said money and every part and parcel thereof, the corporation or corporations aforesaid by this act made, constituted and established, is and shall be hereby invested and interested in the execution of the service hereby enjoined them; and all those that have had or now have any of the said stocks in their or any of their hands, shall be accountable to the said treasurer, or to those that shall be appointed by the corporation or corporations, or any seven or more of them to take the said account.

X. Provided always, and be it enacted by the authority aforesaid, That there shall be a full allowance of all reasonable and necessary expences which have been laid out by the said former corporation for the relief of the said poor, the carrying on of the said service since the time hereby expressed.

Power to make orders and by-laws.

XI. And it is further enacted by the authority aforesaid, That the respective president and governors, or any six

all have power from time to time to make and orders and by-laws for the better relieving, red- setting the poor to work, and the apprehend- unishing of rogues, vagabonds, and beggars cities, liberties, and places aforesaid, that have rith to maintain themselves, and for other the resaid.

vided the said orders and by-laws shall from time presented to the justices of peace in their quarter embled, to be allowed by the major part of them, ied by order of the said court.

nd it is further enacted by the authority aforesaid, resident and governors of any of the said corpo- corporations, workhouse or workhouses, or any r more of them, being assembled together, shall y power to choose and entertain all such officers as shall be needful to be employed in and about s, and them or any of them, from time to time, as they shall see cause, and upon the death or them or any of them, to chuse others in their he carrying on of the work, and to make and give able allowances unto them or any of them, out of nd revenue belonging to the said corporation or , as they shall think fit.

Power to
chuse and
entertain
officers.

nd it is further enacted by the authority aforesaid, eriffs, bailiffs, constables, and all other officers and f justice, shall be aiding and assisting to the said a or corporations, and to all such officers as shall ed by them or any of them in the execution or e of the said service.

All sheriffs
&c. to be as-
sisting to the
said corpora-
tion, and
their officers.

Whereas the inhabitants of the counties of Lancashire, Derbyshire, Yorkshire, Northumberland, the bishop- urham, Cumberland, and Westmorland, and many es in England and Wales, by reason of the largeness ishes within the same, have not, or cannot reap the he act of parliament made in the three-and-fortieth reign of the late Queen Elizabeth for relief of the efore be it enacted by the authority aforesaid, nd every the poor, needy, impotent and lame i persons within every township or village within . counties aforesaid, shall from and after the pass- act be maintained, kept, provided for, and set on in the severall and respective township and village

Lancashire,
Cheshire,
Derbyshire,
Yorkshire,
Northum-
berland, Dur-
ham, Cum-
berland,
Westmor-
land. 43
Eliz. c. 2.

wherein he, she, or they shall inhabit, or wherein he, or they was or were last lawfully settled, according to intent and meaning of this act; and that there shall yearly chosen and appointed, according to the directions in the said act of the three-and-fortieth year of Queen Elizabeth mentioned, two or more overseers of the poor within every of the said townships or villages, who from time to time do, perform, and execute all and the acts, powers, and authorities for the necessary relief of the poor within the said township or village, and shall forfeit, and suffer all such pains and penalties for non-performance thereof, as is limited, mentioned, and appointed by the said in part recited act.

XXII. And be it further enacted by the authority said, That the justices of peace within the said counties have and enjoy such and the like powers and authorities to raise and levy monies, and to do and execute all and such other act and thing whatsoever, within every town or village within the said county where they are justices given, limited, and appointed unto and for them to do and execute within any parish or parishes, in and by the same made in the said three-and-fortieth year of the said late Elizabeth, under such and the like pains and penalties, non-performance of their duties, to be levied and disposed as is nominated and expressed in the said act.

Power of the justices to transport rogues and vagabonds.

XXIII. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful for the justices of peace in any of the counties of *England* and *Wales*, at quarter sessions assembled, or the major part of them, to transport, or cause to be transported, such rogues, vagabonds, and sturdy beggars, as shall be duly convicted and adjudged to be incorrigible, to any of the *English* plantations abroad, or to the seas.

Proviso for the dean and chapter of Westminster.

XXIV. Provided also, That neither this act nor any thing therein contained shall extend to be, or be construed, exercised, or taken, to the prejudice or infringement of any franchises, rights, liberties, or privileges heretofore enjoyed by the Kings and Queens of this realm, His Majesty's predecessors, to the dean and chapter of the collegiate church of *St. Peter* in *Westminster*.

The continuance of divers parts of this act.

XXV. Provided always, That this act, as to all the things therein contained, (excepting what relates unto the corporations mentioned and constituted thereby,) shall extend as

the nine-and-twentieth day of May one thousand six hundred and sixty-five, and the end of the first session of parliament then next ensuing, and no longer. [Made 12 Ann, stat. 1. c. 18. s. 1.]

See 3 W. & M. c. 11. s. 1, 2. 11 & 12 W. 3. c. 13. s. 16. 1 Jac. 2. c. 17. s. 2. made perpetual by 12 Ann. stat. 1. c. 18. s. 1.

[19 Car. 2. c. 4.]

For Relief of poor Prisoners, and setting them on Work.

as there is not yet any sufficient provision made for setting on work of poor and needy persons to the common gaol for felony and other misdeeds, who many times perish before their trial; and the living idly and unemployed, become debauched, forth instructed in the practice of thievery and

For remedy whereof, Be it enacted by the King's most Excellent Majesty, with advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That the justices of peace of the respective counties, at any their sessions, or the major part of them then there assembled, shall find it needful so to do, may provide a stock of materials as they find convenient for the setting poor on work, in such manner, and by such ways as other things by the laws and statutes of the realm are directed and raised: and to pay and provide fit persons to set much prisoners on work; and make such accounts of and concerning the premises as shall be thought needful, and for punishment of neglects and abuses, and for bestowing of the profit arising by the prisoners so set on work, for their relief, shall be duly observed; and may alter, revoke, or amend their orders from time to time. *Provided that no more than sixpence by the week towards the premises, be deducted out of the respective values of the several parishes.*

How stocks may be provided for setting the poor on work.

Repealed by 12 G. 2. c. 29. s. 1.

Provided also, and be it enacted by the authority aforesaid, That the mayor, bailiff, and other head officer, or any other persons, who have and hath the custody of any gaol within any corporation of this kingdom and of Wales, shall, by and with the advice of three or more justices of peace within the said corporation, whereof one to be of the quorum, in time of infection have the sole power and authority for removing his and their prisoners

Removing of prisoners.

into some other convenient place within their jurisdiction to them shall seem fit, during the time of infection: as to raise a stock after the same rates and proportions, hereinbefore allowed, to and for the several counties & kingdom.

[1 Jac. 2. c. 17. s. 2. & 3.]

An Act for reviving and continuance of several Acts of Parliament therein mentioned.

13 & 14 Car.
2. c. 12. re-
vived for
seven years,
except as to
the corpora-
tion. *Made
perpetual, 12
Anne, stat. 1.
c. 18.*

II. And be it enacted by the King's most excellent Majesty by and with the advice and consent of the lords spiritual, and commons, in this present parliament assembled, and by the authority of the same, That one act of parliament made in the thirteenth and fourteenth years of His said Majesty's reign, intituled, *An act for the better relief of the poor of this kingdom*, (except what relates unto the corporations therein mentioned and constituted thereby) shall be in full force and effect from the first day of this present session of parliament, to continue for the space of seven years, and from the end of the next session of parliament.

Settlement to
be accounted
from notice
in writing.

III. *And forasmuch as such poor persons at their first coming to a parish do commonly conceal themselves*; be it therefore provided and enacted by the authority aforesaid, That the continuance of such person in a parish, intended by said act to make a settlement, shall be accounted from the time of his or her delivery of notice in writing (which are hereby required to do) of the house of his or her family, and the number of his or her family, if he or she have a family, to one of the churchwardens or overseers of the poor of the parish to which they shall so remove.

[3 W. & M. c. 11.]

An Act for the better Explanation and supplying the Defect of the former Laws for the Settlement of the Poor.

13 & 14 Car.
2. c. 12.

"Whereas one act of parliament, made in the thirteenth and fourteenth years of His late Majesty King Charles Second, intituled, *An act for the better relief of the poor of this kingdom*, (except what relates to the corporation therei

instituted thereby) was revived and continued
 erations, by one other act made in the first year
 of King James the Second, and have been found by
 to be good and wholesome laws, but may shortly

therefore enacted by the King's and Queen's
 Majesties, by and with the advice and consent
 of the spiritual and temporal, and commons, in this pre-
 sent assembled, and by authority of the same,
 acts, as to what relates to the settlements of the
 poor in force from the first day of March one thou-
 sand and ninety-one.

*inasmuch as the said acts are somewhat defective and
 supplying and explaining the same, be it further pro-
 vided by the authority aforesaid, That the forty days
 of such person in a parish or town, intended by the said
 settlement, shall be accounted from the publication of
 the notice, which he or she shall deliver, of the house of his
 and the number of his or her family, if he or she have
 churchwarden or overseer of the poor, which said notice
 the said churchwarden or overseer of the poor is or
 caused to read, or cause to be read publicly, immediately
 service, in the church or chapel of the said parish or
 next Lord's day, when there shall be divine service in
 the said churchwarden or overseer of the poor is or
 caused to register, or cause to be registered, the said
 notice in the book kept for the poor's account.*

The note of
 settlement
 must be read
 in the church,
 and registered
 in the poor's
 book.
*Repealed by
 35 G. 3. c.
 101. s. 3.*

ded always, and be it enacted, That no soldier,
 private, or other artificer or workman employed
 in the Majesty's service, shall have any settlement in any
 town, or other town, by delivery and publication
 in writing as aforesaid, unless the same be after
 the death of such person out of their Majesties' service.

No Soldiers
 &c. to have
 settlement
 before dis-
 mission.

ded always, and be it enacted, That if any person,
 come to inhabit in any town or parish, shall for
 himself on his own account, execute any public annual
 charge in the said town or parish, during one whole
 year, or be charged with and pay his share towards the
 rates or levies of the said town or parish, then he shall
 be deemed to have a legal settlement in the
 parish, and no such notice in writing be delivered and pub-
 lished hereby before required.

Serving as
 officer, or
 paying parish
 duties, a set-
 tlement.
*See 35 G. 3.
 c. 101. s. 4;
 6 G. 4. c.
 57.*

it is hereby further enacted, That if any unmarried
 person, of the age of twenty years, or upwards, shall

Service for a
 year, of per-

son without
wife or child,
a settlement.

person, not having child or children, shall be lawfully brought into any parish or town for one year, such service shall be adjudged and deemed a good settlement therein, though such notice in writing be delivered and published, as is hereinbefore required.

Apprentice-
ship a settle-
ment.
See 31. G. 2. c.
11. s. 1.

VIII. And it is hereby further enacted, That if any person shall be bound an apprentice by indenture, and inhabitation in any town or parish, such binding and inhabitation shall be adjudged a good settlement, though no such notice in writing be delivered and published as aforesaid.

Appeal from
justice of
peace to
quarter ses-
sions, whose
order shall be
final.

IX. Provided always, and be it hereby enacted, That if any person or persons shall find him, her, or themselves aggrieved by any determination, which any justice or justices of the peace shall make in any of the cases abovesaid, the said person or persons shall have liberty to appeal to the next general quarter sessions of the peace, to be held for the county, riding, or division, city, or town corporate, where a full hearing of the said appeal shall have full power finally to determine the same.

Churchwar-
den must re-
ceive a person
removed by
warrant of
two justices
of peace, upon
5l. penalty.

X. And be it further enacted, That if any person be removed by virtue of this act from one county, riding, or town corporate, or liberty to another, by warrant under the hands and seals of two justices of the peace, the churchwarden or overseers of the poor of the said parish or town to which the said person shall be so removed, are hereby required to receive the said person, and if he or they shall refuse so to do, or he or they so refusing or neglecting (upon proof thereof by two credible witnesses upon oath before any justice of the peace of the county, riding, city, or town corporate, to which the said person shall be so removed) shall forfeit for each offence the sum of five pounds, to the use of the poor of the parish or town from which the said person was removed, to be levied by distress and sale of the offender or offenders' goods by warrant under the hand and seal of any justice of the peace of the county, riding, city, or town corporate, to which such person was removed, to the constable of the parish or town where such offender or offenders dwell; which warrant the said justice is hereby empowered and required to make the overplus, if any be, to be returned to the owner or owners and for want of such sufficient distress, then the said justice shall commit the said offender or offenders to the common gaol of the said county, riding, city, or town corporate, (or liberty, there to remain without bail or mainprize for the space of forty days. Provided always, and be it hereby enacted That all such persons who think themselves aggrieved with

Persons ag-
grieved by
such removal

by such judgment of the said two justices may appeal to the next general quarter sessions of the peace to be held for the county, riding, city, town corporate, or liberty, from which he said person was so removed.

may appeal
to sessions.

XI. " And whereas many inconveniences do daily arise in cities, towns corporate, and parishes, where the inhabitants be very numerous, by reason of the unlimited power of the churchwardens and overseers of the poor, who do frequently, upon frivolous pretences (but chiefly for their own private ends), give relief to what persons and number they think fit; and such persons, being entered into the collection bill, do become after that a great charge to the parish, notwithstanding the occasion or pretence of their receiving collection often-times ceases, by which means the rates of the poor are daily increased, contrary to the true intent of a statute made in the thirty-third year of the reign of her Majesty Queen Elizabeth, 43 Eliz. c. 2. entitled, *An act for the relief of the poor*: for remedying which, and preventing the like abuses for the future, be it further enacted, That from and after the first day of March, there shall be provided and kept in every parish (at the charge of the same parish), a book or books, wherein the names of such persons who do or may receive collection shall be registered, with the day and year when they were first admitted to have relief, and the occasion which brought them under that necessity: and that yearly in Easter week (or as often as it shall be thought convenient) the parishioners of every parish shall meet in their vestry, or other usual place of meeting in the same parish, before whom the said book shall be produced, and all persons receiving collection to be called over, and the reasons of their taking relief examined, and a new list made and entered, of such persons as they shall think fit and allow to receive collection, and that no other person be allowed to have or receive collection at the charge of the said parish, but by authority under the hand of one justice of peace residing within such parish, or (if none be there dwelling) in the parts near or next adjoining, or by order of the justices in their respective quarter sessions, except in cases of pestilential diseases, plague, or small-pox, for and in respect of such families only as are or shall be therein infected.

43 Eliz. c. 2.

A register to be kept of the admittances of the poor. See 9 G. 1. c. 7. s. 1.

Parishioners early in Easter week shall make a list of their poor.

None but those in the list to receive alms, except by order of justice of peace, &c.

XII. " And whereas many churchwardens and overseers of the poor, and other persons intrusted to receive collections for the poor, and other public monies relating to the churches and parishes whereunto they do belong, do often mispend the said monies, and take the same to their own use, to the great prejudice of such parishes, and the poor and other inha-

Parishioners, except almsmen, may be evidence against churchwardens, &c. of their mis-

spending the poor's money. bitants thereof; and because that many times the judges, when actions are brought against such churchwardens and overseers to recover the monies so misspent, taken, or misapplied by the persons aforesaid, refuse to admit the parishioners to be witnesses in such cases, who are the only persons that can make proof thereof:" wherefore, to prevent all such evil and deceitful practices of churchwardens and overseers, and other persons, be it enacted and declared, That in all actions to be brought in their Majesties' courts of record at Westminster, at the assizes, for the recovery of any sum or sums of money so misspent or taken by churchwardens or overseers of the poor, the evidence of the parishioners, or any of them, other than of such as receive alms, or any pension or gift out of the collections or public monies of such parish or parishes respectively, whereof the defendant or defendants is or are inhabitant or inhabitants, shall be taken and admitted in all such cases in the courts aforesaid; any custom, rule, order, or usage to the contrary notwithstanding.

[8 & 9 Will. 3. c. 30.]

An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom.

Persons coming to inhabit in any parish or place, and bringing with them a certificate under the churchwardens' hands, &c. owning them to be inhabitants of such other parish, &c. the said other parish to provide for them whenever they ask relief of the parish to which such certificate was given. See 9 & 10 W. 3. c. 11. and 12 Anne, stat. 1. c. 18. s. 2.

"Forasmuch as many poor persons chargeable to any parish, township, or place where they live, merely for want of work, would in any other place where sufficient employment is to be had, maintain themselves and families, without being burthensome to any parish, township, or place, but not being able to give such security as will or may be expected and required upon their coming to settle themselves in any other place; and the certificates that have been made given in such cases having been oftentimes construed in notice in handwriting, they are for the most part confined to live in their own parishes, townships, or places, and not permitted to inhabit elsewhere, though their labour is wanted in many other places where the increase of manufactures would employ more hands:" Be it therefore enacted by King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, That if any person or persons whatsoever, that from and after the first day of May, which shall be in the year of our Lord one thousand six hundred and ninety-seven, shall come into any parish or other place there to inhabit and reside, shall at the same time procure, bring, and deliver to the church-

or overseers of the poor of the parish or place where person shall come to inhabit, or to any or either a certificate under the hands and seals of the church- and overseers of the poor of any other parish, town- place, or the major part of them, or under the hands of the overseers of the poor of any other place where are no churchwardens, to be attested respect- two or more credible witnesses, thereby owning owldging the person or persons mentioned in the dicate to be an inhabitant or inhabitants legally that parish, township, or place, every such cer- having been allowed of and subscribed by two or the justices of the peace of the county, city, liberty, or town corporate, wherein the parish or place once any such certificate shall come doth lie, shall the said parish or place to receive and provide for on mentioned in the said certificate, together with r family, as inhabitants of that parish, whenever he, they shall happen to become chargeable to, or be ask relief of the parish, township, or place to which tificate was given; and then, and not before, it d may be lawful for any such person, and his or ren, though born in that parish, not having other- nired a legal settlement there, to be removed, con- nd settled, in the parish or place from whence such e was brought.

repealed by 50 Geo. 3. c. 52.]

ceiving alms to wear a badge on the shoulder of the right sleeve." "Persons re-

nd for the more effectual preventing of vexatious Justices, on and frivolous appeals, Be it further enacted by the appeal to the 7 aforesaid, That the justices of the peace of any them con- r riding, in their general or quarter sessions of the cerning the pon any appeal before them there to be had, for and settlement of any poor person, or upon any costs. fore them there to be made, of notice of any such have been given by the proper officer to the church- or overseers of the poor of any parish or place they did not afterwards prosecute such appeal) the same quarter sessions, award and order to the r whom and in whose behalf such appeal shall be ed, or to whom such notice did appear to have been aforesaid, such costs and charges in the law, as id justices in their discretion shall be thought most le and just, to be paid by the churchwardens, over- the poor, or any other person, against whom such hall be determined, or by the person that did give

Person ordered to pay costs living out of the jurisdiction, justice of the county, &c. where such person inhabits, may cause the money to be levied;

if no distress, offender to be committed to gaol.

Single persons not deemed to have a good settlement in any parish under one year's continuance.

Poor children bound apprentices pursuant to the act 43 Eliz. c. 2.; those to whom they are bound to provide for them according to the indenture signed by the justices, &c.

such notice, as aforesaid; and if the person ordered such costs shall happen to live in any county, riding, or town corporate, or elsewhere, out of the jurisdiction said court, it shall and may be lawful for any justice of the peace of the county, riding, city, liberty, or town corporate wherein such person shall inhabit, and every such justice hereby required, upon request to him for that purpose made, and a true copy of the order for the payment of costs produced, and proved by some credible witness on oath, by warrant under his hand and seal, to cause money mentioned in that order to be levied by distress and sale of the goods of the person that is ordered and to pay the same; and if no such distress can or may be had, to commit such person to the common gaol of that county or liberty, there to remain by the space of days.

IV. "And whereas some doubts have arisen touching the settlement of unmarried persons not having children, lawfully hired into any parish or town for a year;" Be it therefore enacted and declared by the authority aforesaid, That no such person so hired as a servant shall be adjudged or deemed to have a good settlement in any such parish or township, unless such person shall continue and abide in the same service during the space of a whole year.

3 Eliz. c. 2.

V. "And whereas by an act made in the threethirtieth year of the reign of Queen Elizabeth, intituled, *for the relief of the poor*, it is amongst other things enacted, That it shall be lawful for the churchwardens and overseers of the poor of any parish, or the greater part of them, with the assent of two justices of the peace, whereof one shall be of the quorum, to bind poor children apprentices, when they shall see convenient; but there being doubts whether persons to whom such children are to be bound, are liable to receive such children as apprentices, that law failed of its due execution:" Be it therefore enacted and declared by the authority aforesaid, That where as by the said act, children shall be appointed to be bound apprentices pursuant to the said act, the person or persons to whom they are appointed to be bound shall receive and provide for them according to the indenture signed and confirmed by the justices of the peace, and also execute the other parts of the said indentures; and if he or she shall refuse so to do, being thereof made by one of the churchwardens or overseers of the poor, before any two of the justices of the peace of that county, liberty, or riding, he or she for ever

He forfeit the sum of ten pounds, to be levied by sale of the goods of any such offender, by warrant and seals of the said justices, the same to be to the use of the poor of that parish or place where he was committed; saving always to the person to whom poor child shall be appointed to be bound an appeal aforesaid, if he or she shall think themselves aggrieved, hereby, his or her appeal to the next general sessions of the peace for that county or riding, whose award shall be final, and conclude all parties.

Penalty on offender.
See 32 G. 3. c. 57.

Persons to whom poor children are bound, being aggrieved, may appeal to the justices.

And be it further enacted by the authority aforesaid, that after the first day of May, one thousand six hundred ninety-seven, the appeal against any order for removal of any poor person from out of any parish, town, or place, shall be had, prosecuted and determined, at the next or quarter sessions of the peace for the county, riding, wherein the parish, township, or place where such poor person shall be removed doth lie, and there, any former law or statute to the contrary notwithstanding.

Appeal against any order for removal of poor person to be determined at the quarter-sessions.
See 9 G. 1. c. 7. s. 7.

Provided always, That nothing in this act contained shall be construed to extend, to make void any engagement already made by the churchwardens of the poor of any parish, township, or place, and take back any persons, in case they should be poor, or want relief.

This act not to make void churchwardens, &c. Promise to take back any person in case of poverty; nor to hinder justices of the peace at St. Alban's from hearing appeals for settling their poor.

Provided that this act, nor any thing therein contained shall be construed to hinder the justices of the peace of Saint Alban's, from hearing and determining appeals for the settlement of the poor in their sessions, as they might have done before the making of this act; any thing therein contained to the contrary notwithstanding.

[9 & 10 W. 3. c. 11.]

*explaining an Act made the last Session of Parliament,
"An Act for supplying some Defects in the Laws for
the Relief of the Poor of this Kingdom."*

Enacted in and by a certain act made in the last session of parliament, intituled, *An act for supplying some* 8 & 9 W. 3. c. 80.

defects in the laws for the relief of the poor of this kingdom amongst other things therein contained, enacted, This person or persons whatsoever, that from and after the of May, in the year of our Lord one thousand six hundred ninety-seven, shall come into any parish or other place, inhabit and reside, should at the same time procure, or deliver to the churchwardens, or overseers of the poor parish or place where any such person should come to or to any or either of them, a certificate under the seals of the churchwardens and overseers of the poor other parish, township, or place, or the major part or under the hands and seals of the overseers of the any other place where there are no churchwardens, tested respectively by two or more credible witnesses by owning and acknowledging the person or persons named in the said certificate, to be an inhabitant or inhabitant legally settled in that parish, township, or place; every certificate, having been allowed of and subscribed by more of the justices of the peace of the county, city, borough, or town corporate, wherein the parish or place whence any such certificate shall come doth lie, shall the said parish or place to receive and provide for the mentioned in the certificate, with his or her family, inhabitants of that parish, whenever he, she, or they shall come to become chargeable to, or be forced to ask relief in such parish, township, or place, to which such certificate was and that then, and not before, it should and might be for any such person, and his or her children, though that parish, not having otherwise acquired a legal settlement, to be removed, conveyed, and settled in the place from whence such certificate was brought. And as some doubts have arisen upon construction of the statute by what acts any person coming to inhabit or reside within a parish, by virtue of any such certificate, as aforesaid, procure a legal settlement in such parish, and whether such certificate did not amount to a notice in writing, in order to gain a settlement:" for explaining thereof and of the act, be it therefore enacted and declared by the King's excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this parliament assembled, and by the authority of the same, that no person or persons whatsoever, who shall come into any parish, by any such certificate as aforesaid, shall be enabled by any act whatsoever to have procured a legal settlement in such parish, unless he or they shall really and bona fide lease a tenement of the value of ten pounds, or shall execute some annual office in such parish, being legally permitted to execute such office.

No certificate person admitted to have a legal settlement in any parish, unless he lease a tenement of 10*l.* per ann., or execute some parish office.

[2 & 3 Annæ, c. 6.]

for the Increase of Seamen, and better Encouragement of Navigation, and Security of the Coal Trade.

Whereas the giving due encouragement to such of the of this kingdom, as shall voluntarily betake themselves sea service, and practice of navigation, and obliging who, by reason of their own or their parents' poverty, want of employment, or any lawful means whereby to in themselves, may greatly tend to the increase of able experienced mariners and seamen, for the service of Her y's royal navy, and for the carrying on the trade and rice of this kingdom ;" Be it therefore enacted by the s most excellent Majesty, by and with the advice and t of the lords spiritual and temporal, and commons, in essent parliament assembled, and by the authority of the That from and after the five-and-twentieth day of , in the year of our Lord one thousand seven hundred ar, it shall and may be lawful to and for two or more s of the peace, in their several and respective counties, , or divisions, as also to and for all mayors, aldermen, , and other chief officers and magistrates of any city, sh, or town corporate, within Her Majesty's kingdom :land, dominion of Wales, and town of Berwick-upon- , and likewise to and for the churchwardens and over- if the poor (for the time being) of the several and res- : parishes within the places aforesaid, by and with the it and approbation of such justices of the peace, mayors, en, bailiffs, or other the chief officers or magistrates aid, to bind and put out any boy or boys, who is, are, ll be of the age of ten years, or upwards, or who is, are, ll be chargeable, or whose parents are or shall become able to the respective parish or parishes wherein they t, or who shall beg for alms, to be apprentice and ap- pes to the sea service, to any of Her Majesty's subjects, masters or owners of any ship or vessel used in sea : , and belonging to any port or ports within the king- f England, dominion of Wales, or town of Berwick-upon- aforesaid, for so long time, and until such boys shall tively attain or come to the age of one-and-twenty . and such binding out any such apprentice shall be :tual in the law, to all intents and purposes, as if such re of full age, and by indenture had bound himself an tice : and to the end that the time of the continuance

Parish boys may be put out apprentices to the sea service,

to masters of ships, &c.
See Arch.
Com. & Counr.
124, &c.

Boy's age to be inserted in:

his indenture, &c.
See 4 Annæ.
c. 19. s. 16.

of the service of such apprentice or apprentices may plainly and certainly appear, the age of every such to be bound apprentice, shall be mentioned and in his indentures, being taken truly from a copy of the register book, wherein the time of his being bound or shall be entered (where the same can or may be) which copy shall be given and attested by the minister or curate of such parish or parishes, wherein such baptism shall be registered, without fee or reward, and writ upon paper or parchment, without any stamp or seal, and where no such entry of such boy's being baptized is found, two or more of such justices of the peace, mayors, aldermen, bailiffs, or other chief officers of the said parish or parishes, fully as they can, inform themselves of such boy's baptism from such information shall insert the same in the indentures; and the age of such boy so inserted and entered in the said indentures (in relation to the continuance of his service) shall be taken to be his true age, without any proof thereof.

Churchwardens to pay down 50s. for boy's necessary clothing, &c. and be allowed the same in their accounts.

II. And be it further enacted by the authority of the said Parliament, That the churchwardens and overseers of the poor of every parish or township, at any time being, of the several and respective parishes or townships, whence any such boy shall be bound apprentice to service, as aforesaid, shall pay down to such master or mistress, to whom the boy is bound, at the time of his binding, the sum of fifty shillings, to provide necessary clothing and bedding for such boy; and the charges by this act made shall be allowed to the said churchwardens and overseers of the poor in their accounts.

Overseers of the poor of any township or village may act as churchwardens.

III. "And whereas in many large parishes within this realm, there are several townships or villages, and of the poor are chosen and appointed within and without such township or village respectively;" Be it therefore enacted, That the overseers of the poor of every such township or village shall and may, from time to time, within such township or village, do, perform, and execute every the acts, powers, and authorities hereby enacted to be done, performed, or executed by the churchwardens or overseers of the poor of a parish; any thing to the contrary in any wise notwithstanding.

No such apprentice to be impressed, &c. until eighteen years old.

IV. And be it further enacted by the authority of the said Parliament, That no such apprentice or apprentices shall be compelled to be or impressed, or permitted or suffered to list or enter themselves into Her Majesty's service at sea, or in

f Her Majesty's heirs or successors, till such apprentices respectively arrive to the age of eighteen

d be it further enacted, That the churchwardens and of the parish, out of which any such boy shall be an apprentice, shall send the said indentures to the collector of Her Majesty's customs, residing at or belonging to the port or ports within this kingdom of *England*, of *Wales*, and town of *Berwick-upon-Tweed*, whereunto the masters or owners of ships or vessels, to whom such apprentices shall be bound, do or may belong; and he, in a fair book or books to be by him kept for that purpose, shall from time to time, fairly enter all and every indentures, whereby such apprentice and apprentices are bound, and which shall be so sent unto him, and shall make an indorsement upon the said indentures of the contents thereof, subscribed by the said collector, without any fee or other reward for the same: and every such apprentice neglecting or refusing to enter such indentures, and the collector, or making false entries, shall forfeit the sum of five pounds for the use of the poor of the parish, from which such boy was bound apprentice; and all and every collector or collectors, or his or their lawful deputy or deputies, of the said several and respective ports, shall from time to time transmit certificates in writing, under his or their seals, to the lord high admiral of *England*, or to the governors of the admiralty for the time being, containing the names and ages of every such apprentice respectively, and the ship he belongs to; and upon receipt of such certificates, the lord admiral or the governors shall, from time to time, be made and give such apprentices, till they attain their several and respective ages of eighteen years, without any fee or reward for the same; which certificates, so as aforesaid, shall be sent, are not required to be writ upon stamped paper.

Apprentice's indentures to be sent to the collector at the port whereunto his master belongs. Collector to enter the same gratis, &c.

Penalty on collector neglecting.

Lord admiral to grant protections for such apprentices, gratis. See 4 Ann. c. 19. s. 17.

And be it further enacted by the authority aforesaid, that every person and persons to whom any poor boy hath been, or hereafter shall be put apprentice, shall, according to the statute made in the forty-third year of the Queen *Elizabeth*, may, with the consent and approbation of two or more justices of the peace of the same county or city, or near the same parish where such poor boy was bound apprentice, or by and with the consent and approbation of any mayor, alderman, bailiff, or other chief magistrate of any city, borough, or town corporate, or of any such poor boy was bound apprentice, at the request of

43 Eliz. c. 2.

Parish boys bound apprentices, may be turned over to the sea service.

Indentures of assignment to be registered. Altered by 4 Anne, c. 19. s. 16.

the master or mistress, then living, of such apprentice, his or their executors, administrators, or assigns, to take, assign and turn over such poor boy apprentice to the master or owner of any such ship or vessel, using such service, as aforesaid, for and during the then remainder of his apprenticeship; which assignment and assignment of such apprentices, so as aforesaid, shall be, and all indentures of assignment are hereby directed to be registered, and certificates thereof given and transmitted by the collector, at the said several ports where such parish apprentices shall be so assigned over, and bound to the sea service, in manner and form aforesaid; and upon receipt of such certificates, protections shall, from time to time, be given for such apprentices (so to be assigned over as aforesaid) till they shall attain their several and respective ages of eighteen years, without fee or reward for the like manner as aforesaid.

All such apprentices, until 18 years old, exempted from the 6d. per month to Greenwich hospital. See 2 G. 2. c. 7. s. 36. 7 & 8 W. 3. c. 21.

VII. And be it further enacted by the authority of the said Parliament, That all and singular such poor boys as are herebefore mentioned, or intended by this present act to be put out, and such as shall be assigned over to the sea service as aforesaid, during their several and respective ages of eighteen years, shall be and are declared to be exempted, freed, and discharged of payment of sixpence per month towards the better service of Greenwich hospital, the act of parliament made in the seventh and eighth years of the reign of the late King Charles the Third (of glorious memory), intituled, *An act for the increase and encouragement of seamen*, or any clause in the said act contained to the contrary hereof in any wise notwithstanding.

Masters of ships, &c. obliged to take such apprentices.

By 4 Anne, c. 19. s. 16. no master shall be bound to take a boy under 13 years of age, &c.

VIII. "And for the better providing such apprentices with masters for the said service;" Be it further enacted by the authority aforesaid, That all and every of Her Majesty's subjects, being masters or owners of any ship or vessel, used in the sea service as aforesaid, or of then of thirty ton to the burthen of fifty ton, be obliged to take one such apprentice, and one more for the next hundred ton, and one more for each and every hundred ton, so that no vessel shall exceed the burthen of one hundred ton: and if any master or owner of any ship or vessel refusing to take an apprentice or apprentices as aforesaid, shall forfeit the sum of ten pounds for the use of the poor of the parish where such boy was bound apprentice.

IX. And be it further enacted, That every master or owner of such ship or ships, vessel or vessels, so obliged to take such apprentice or apprentices, after his arrival into any port or ports aforesaid, and before he clears out of such port, shall give an account in writing, under his hand, to the collector of such port to which he belongs, containing the names and number of such apprentices as are then remaining in service.

And to give an account of their names, &c.

X. "And for the better conveying and conducting all and every such apprentice and apprentices, so to be bound as aforesaid, to his and their respective master and masters :"

It further enacted by the authority aforesaid, That all and every such apprentice and apprentices shall, from time to time, be severally and respectively sent, conducted, and conveyed to the several and respective ports to which his or their master shall respectively belong, by the churchwardens and overseers of the poor, or their agents, of the parish from whence such apprentice is bound, and the charges thereof to be in the same manner, as is provided by an act of parliament made in the eleventh and twelfth years of the reign of his late Majesty King *William the Third*, intituled, "An act for the more effectual punishment of vagrants, and sending them whither by law they ought to be sent."

How apprentices shall be conveyed to the ports to which their masters belong.

11 & 12 H. 3. c. 18.

XI. And it is hereby directed, That the counterpart of all and every such indentures, to be executed by the several and respective masters of all such apprentices, shall be sealed and executed in the presence of, and attested by, the collector at the port aforesaid (where such apprentices shall be bound or assigned over), and the constable or other officer, who shall bring or convey such apprentices to the said several and respective masters; which constables or officers last-mentioned shall transmit and convey the counterparts of such indentures to the churchwardens and overseers of the several parishes from whence such apprentices shall be bound, by the same ways and means as such apprentice or apprentices were conveyed to the said several and respective ports.

The counterparts of their indentures to be transmitted to the churchwardens, &c.

XII. And be it further enacted by the authority aforesaid, That two or more justices of the peace of the respective counties, and dwelling in or near any of the ports aforesaid, and all mayors, aldermen, bailiffs, and other chief officers and magistrates of any city, borough, or town corporate, in or near adjoining to such port or ports, to which such ship or vessel shall at any time arrive, shall have full power and authority, and are hereby authorised and empowered to enquire into and examine, hear and determine all complaints

Justices to determine complaints between masters and apprentices.

of hard or ill usage from the several and respective masters to such their apprentice and apprentices, so to be bound assigned over as aforesaid; and also of all such as shall have, or who shall at any time hereafter voluntarily put themselves apprentices to the sea service, as aforesaid, and make such orders therein, as now they are enabled by law to do in other cases between masters and apprentices.

Collector to keep a register, &c.

XIII. And be it further enacted by the authority aforesaid That every such collector in every port or ports aforesaid shall, in their several and respective stations, keep an register, containing as well the number and burthen of such ships and vessels, together with the master's or owners names, as also the names of such apprentices in each of such parishes and places such apprentices were respectively

and transmit a copy thereof to the quarter sessions, &c. gratis.

and that such collectors shall transmit true copies of such register, signed by them, to the quarter sessions, or to such cities, boroughs, towns corporate, parishes or places, where and so often as they shall be reasonably required so to do for which copy or copies, so to be transmitted as aforesaid no fee or reward shall be taken: and that every such collector refusing or wilfully neglecting to transmit such copy as aforesaid, shall, for every such refusal or neglect, forfeit five pounds, for the use of the poor of the parish from whence such boy was bound apprentice.

Penalty.

Officer to insert on the cocket the number of men and boys on board, &c.

XIV. And be it further enacted, that every custom-house officer or officers, at each and every of the ports aforesaid shall insert, and are hereby required, from time to time, to insert at the bottom of their cockets, the number of men and boys on board the respective ships or vessels, at the going out of every such port, therein particularly describing the apprentices by their respective names, ages, and the dates of their several indentures, for which no fee or reward shall be taken.

Persons voluntarily binding themselves apprentices to sea service not to be impressed for 3 years.
Explained by 4 *Annæ*, c. 19, s. 17.

XV. "And for the encouragement of such as have, or shall voluntarily bind themselves apprentices to the sea service:" Be it further enacted by the authority aforesaid That all and every such person and persons, who have, or shall so voluntarily, and of his or their own accord, bind himself or themselves apprentice to any such masters or owners of any ship or vessel as aforesaid, shall not be compelled or impressed into Her Majesty's sea service, or the service of her Majesty's heirs or successors, for and during the term of three years, to be accounted from the date of the respective indentures of such voluntary apprentice

rentices; all which indentures are hereby directed to be entered, and certificates thereof given and transmitted by a collector at the said several ports, where such apprentices already have become so bound, or that hereafter shall bind themselves, in manner and form as aforesaid; upon copy of which said several certificates, protections shall, from time to time, be made and given for the said first three years of their several respective apprenticeships, without any fee or reward for the same.

Indentures to be registered, and protections given for the said 8 years.

XVI. "And forasmuch as divers dissolute and idle persons, rogues, vagabonds, and sturdy beggars, notwithstanding many good and wholesome laws to the contrary, do come to wander up and down, pilfering and begging through parts of this kingdom, to the great disturbance of the peace and tranquillity of the realm; for the more effectually suppressing such disorderly persons, and to the end that they may be made serviceable and beneficial to their country:"

It further enacted by the authority aforesaid, That all lewd and disorderly men servants, and every such person and persons, both men and boys, that are deemed and adjudged rogues, vagabonds, and sturdy beggars, (not being felons) by an act of parliament made in the nine-and-thirtieth year of the reign of the said late Queen Elizabeth, for punishing rogues, vagabonds, and sturdy beggars, shall be, and are hereby directed to be taken up, sent, conducted, and conveyed into Her Majesty's service at sea, or the service at sea of Her Majesty's heirs or successors, by such ways, methods, and means, and in such manner and form, as is directed for the same by the said before-mentioned act of parliament, made in the said eleventh and twelfth years of the reign of the said late King William the Third, *For the more effectual punishment of vagrants, and sending them whither by law they shall be sent.*

All lewd and disorderly men and boys deemed vagabonds or sturdy beggars by 39 Eliz. c. 4. to be taken up and conveyed into the Queen's sea-service.

11 & 12 W. 3. c. 18.

XVII. "And whereas owners and masters of merchant ships are at great charge in educating and bringing up the said children, till they come to the age of eighteen years, and other voluntary apprentices three years, at which time they are capable to serve in Her Majesty's ships of war:" It is enacted by the authority aforesaid, When such apprentices shall be impressed, or voluntary enter themselves into Her Majesty's service, the said owners or masters of such apprentices, their executors, administrators, or assigns, shall be intitled to able seamen's wages for such of their apprentices, as shall upon due examination be found qualified for the same, notwithstanding their indentures of apprenticeship.

When such apprentices shall be impressed, masters to have able seamen's wages for them.

Penalties and forfeitures, how to be levied.

XVIII. And be it further enacted by the aul said, That all the penalties and forfeitures dire act shall, by warrant under the hands and seals or more justices of the peace, of the same count rough, or town corporate, be levied by distress the goods and chattels of the offender, which i good in the law against such offender.

7 & 8 *W.* 3
c. 21.

XIX. " And whereas upon the act of parlian mentioned, made in the seventh and eighth years of the said late King *William* the Third, intituled *the increase and encouragement of seamen*; as also i of parliament made in the eighth and ninth years of the said late King *William* the Third, intituled *inforce the act for encouragement of seamen*, several arose whether any disabled seamen, their child widows and children of seamen slain, killed, or dr service, other than such as are expressly qualified last-mentioned acts, may be admitted and prov *Greenwich* hospital, when any vacancies happen th

Lord admiral to appoint any disabled seaman, their wives and children, &c. to be maintained in *Greenwich* hospital.

it therefore enacted for the encouragement of all i do or shall serve at sea, That at any time hereafter such vacancy or vacancies shall happen in the s that the lord high admiral of *England*, or commi executing the office of lord high admiral of *England* i being, shall have full power and authority, and hereby empowered and authorized, from time to t minate and appoint any disabled seamen, their children, and the widows and children of seamen i or drowned in sea service, to be maintained and p in the said hospital, as the said lord high admiral, sioners executing the office of lord high admiral, fit or see occasion; any thing in the said two sev parliament last mentioned, or in the letters patents acts mentioned, contained to the contrary hereof notwithstanding.

Allowances of men free from impressing employed in the coal trade.

XX. " And for the encouraging all such ships o shall be employed in bringing coals for supplying *London*, and other ports of this kingdom, at more rates than during this war they have hitherto bee enacted by the authority aforesaid, That from a five-and-twentieth day of *March*, one thousand i dred and four, there shall be allowed yearly, durin sent war, free from impressing, to every master of vessel employed in the coal trade, beside the said i master's mate, and carpenter, one able seaman for i dred ton in burthen, not exceeding three hundred

if a ship or vessel contains, which shall be made appear by a certificate from the custom house, of what number of tons the ship or vessel is really of, according to the gauges or measures mentioned in an act passed in the fifth and sixth year of our late Majesties King *William* and Queen *Mary*, *For laying duty on tonnage of shipping*; and if any captain, lieutenant, or other officer, shall presume to impress or take any of the men allowed by this act, as aforesaid, such captain, lieutenant, or other officer, shall forfeit to the master or owner of such ship or vessel, ten pounds for every man he shall so impress or take, to be recovered with costs of suit, by action of debt, bill, plaint, or information, in any of her Majesty's courts of record, wherein no essoign, protection, privilege, injunction, or order of restraint shall be in any wise granted or allowed.

5 & 6 W. & M.
c. 20.
Penalty on
officer im-
pressing men
so allowed.

[4 Annæ, c. 19.]

An Act for the Encouragement and Increase of Seamen, and for the better and speedier Manning Her Majesty's Fleet.

XVI. "And whereas by an act made in the second year of our Majesty's reign, intituled, *An act for the increase of seamen, and better encouragement of navigation, and the security of the sea-trade*, provision is made for putting out of parish children apprentices to masters of trading ships and vessels at the age of ten years:" It is hereby enacted, That no such master shall be obliged to take any such apprentice under the age of fifteen years, or who shall not appear to be fitly qualified both as to health and strength of body for that service; and any widow of the master of such ship or vessel, or the executor or administrator of such master, who shall have been obliged to take such parish boys apprentice to them, shall have the same power of assigning over such apprentices to any other masters of ships or vessels, who have not their complement of apprentices required by the said recited act, to be entertained by them, as is given by the said act to such persons as have taken children apprentices, in pursuance of the statute made in the forty-third year of Queen *Elizabeth*.

No master of
ship to take
apprentice
under thir-
teen years
old.

43 Eliz. c. 3.

XVII. "And whereas all such persons, who in pursuance of the said act, have voluntarily bound, or hereafter shall so bind themselves apprentices to such masters or owners, as therein is expressed, are exempted from Her Majesty's service for the term of three years, from the date of their respective indentures: and whereas such exemptions from Her Majesty's sea

No apprentices to sea service of 18 years old exempt from the Queen's service at sea.

service for the term of three years, which was intended for encouragement of landmen, to bind themselves apprentices to the sea service, hath been manifestly abused for the exempt and protecting of seamen from the said service, who having bound themselves apprentices, have claimed such exemption, and demanded protections accordingly, to the great hindrance and prejudice of Her Majesty's sea service :'' Be it therefore enacted and declared, That no persons or person of age of eighteen years, shall have any exemption or protection from Her Majesty's sea service, who shall have been in any service before the time they bound themselves apprentices, any law or statute to the contrary thereof in any wise notwithstanding.

[7 Annæ, c. 12.]

An Act for preserving the privileges of Ambassadors, and of public Ministers of Foreign Princes and States.

All processes against any public minister, or any of his servants, to be adjudged void for the time to come.

III. And to prevent the like insolences for the future, it further declared by the authority aforesaid, That all writs and processes that shall at any time hereafter be sued for or prosecuted, whereby the person of any ambassador, other public minister of any foreign prince or state, authorized and received as such by Her Majesty, her heirs or successors, or the domestic, or domestic servant of any ambassador, or other public minister, may be arrested, imprisoned, or his or their goods or chattels may be distrained, seized, or attached, shall be deemed and adjudged to be utterly null and void to all intents, constructions, and purposes whatsoever.

Punishment for attorneys, &c. suing forth such processes.

IV. And be it further enacted by the authority aforesaid, That in case any person or persons shall presume to forbear or prosecute any such writ or process, such persons and persons, and all attorneys and solicitors prosecuting or soliciting in such case, and all officers executing any writ or process, being thereof convicted, by the confession of the party, or by the oath of one or more credible witnesses, before the lord chancellor, or lord keeper of the great seal of Great Britain, the chief justice of the court of Common Bench, the chief justice of the court of Common Pleas for the time being, or any two of them, shall be deemed violators of the laws of nations, and disturbers of the repose, and shall suffer such pains, penalties, and corporal punishment, as the said lord chancellor, lord keeper, and

chief justices, or any two of them shall judge fit to be used and inflicted.

L. Provided, and be it declared, That no merchant or trader whatsoever, within the description of any of the statutes against bankrupts, who hath or shall put himself in the service of any such ambassador or public minister, shall have or take any manner of benefit by this act; and if no person shall be proceeded against as having arrested a servant of an ambassador or public minister, by virtue of this act, unless the name of such servant be first registered in the office of one of the principal secretaries of state, and such secretary transmitted to the sheriffs of London and Middlesex for the time being, or their undersheriffs or deputies, who shall, upon the receipt thereof, hang up the same in some public place in their offices, whereto all persons may resort, and take copies thereof, without fee or reward.

No merchant &c. to have any benefit of this act. Nor the servant of an ambassador, unless his name be registered, &c.

[8 Annæ, c. 9. sects. 32 to 45.]

In Act for laying certain Duties upon Candles, and certain Rates upon Monies to be given with Clerks, and Apprentices, towards raising Her Majesty's Supply, for the Year One thousand seven hundred and ten.

XXXII. And be it further enacted by the authority aforesaid, That there shall be throughout the kingdom of Great Britain, raised, collected, and paid to Her Majesty, her heirs and successors, the further rates, duties, and sums of money following, that is to say, the duty, rate, or sum of six-pence, for every twenty shillings, for every sum of fifty pounds or under, and the duty, rate, or sum of one shilling, of every twenty shillings, of all and every sum and sums amounting to more than fifty pounds, which shall, at any time or times, from and after the first day of May, one thousand seven hundred and ten, and during the term of five years from thence next ensuing, be given, paid, contracted, or agreed for, with, or in relation to every clerk, apprentice or servant, which shall be, within the kingdom of Great Britain, put or placed to or with any master or mistress to learn any profession, trade, or employment, and proportionably for greater or lesser sums; which said duties, rates, and sums, shall be paid by the said masters or mistresses respectively.

From 1 May 1710, 6d. for every 20s. of 50l. or under, and 12d. for every sum of above 50l. to be paid for every clerk or apprentice put out for five years, to be paid by the master. Made perpetual by 9 Annæ, c. 21. s. 7.

XXXIII. And be it further enacted by the authority aforesaid, That this duty to be under the

management
of the com-
missioners of
the stamp
duties.

said, That for the better and more effectual levying, coll and paying unto Her Majesty, her heirs and successors said duties after the rate of six-pence, and one shilling every such respective sum of twenty shillings as aforesaid same shall be under the government, care, and management of the commissioners for the time being, appointed to Her Majesty's duties on stamped vellum, parchment paper; and the same commissioners shall employ and as such inferior officers as shall be necessary for managing collecting the duties last-mentioned, and hereby grant for keeping accounts thereof, and for stamping all such tures and other writings, which are hereby required stamped, as hereinafter is mentioned, and otherwise to and relating to the same duties, as Her Majesty's service this behalf shall require; and to cause such sum and money to be expended and paid, from time to time, out duties last-mentioned, and hereby granted, for salary other incident charges, as shall be necessary in and receiving, collecting, levying, or managing the same during the said term, any thing in this act contained contrary notwithstanding.

To be paid to
the receiver-
general of the
stamp duties,
and by him
into the
Exchequer
weekly.

XXXIV. And it is hereby further enacted, by the authority aforesaid, That the duties last-mentioned, and hereby granted shall be all paid or transmitted, from time to time, as it directs, into the hands of the receiver general for the time being, of the said duties on stamped vellum, parchment paper, who shall keep a separate and distinct account thereof and pay the same into the receipt of the exchequer Majesty, her heirs and successors, weekly, on Wednesday every week, unless it be a holy-day, and then the next after which shall not be a holy-day, for the purposes hereof act expressed, and under the like penalties, forfeiture disabilities, as are to be inflicted by this act, for default or misapplying any monies by this act appropriated or applied for repayment of loans, or satisfaction of interest monies hereinafter-mentioned.

To be inserted
in the inden-
ture, &c. on
forfeiture of
double the
sum.

XXXV. And be it further enacted by the authority aforesaid, That from and after the said first day of May, on and seven hundred and ten, the full sum or sums of money received, or in any wise directly or indirectly given or agreed, or contracted for, during the term aforesaid, in relation to every such clerk, apprentice, and servant aforesaid, shall be truly inserted and written in what length, in some indenture or other writing which shall contain the covenants, articles, contracts, or agreements, in relation to the service of such clerk, apprentice, or servant as

shall bear date upon the day of the signing, sealing, execution of the same; upon pain that every master, to or with whom, or to whose use, any sum of money shall be given, paid, secured, or contracted, respect of any such clerk, apprentice, or servant as such shall not be truly and fully so inserted and specified in such indenture, or other writing, shall for every such default double the sum so given, paid, secured, or contracted; the one moiety of which forfeiture shall be to the master, her heirs, or successors, and the other moiety to any person or persons who shall inform and prove, by action of debt, bill, plaint, or information, of record at *Westminster*, or in the *Exchequer* of any time after the executing, making, or signing of such indenture or writing, or making any such contract, or within one year after the time limited for the service of any such clerk, apprentice, or servant with such master or mistress, shall be expired.

And be it further enacted by the authority aforesaid, that the said commissioners for managing the said stamped vellum, parchment, and paper, shall, before the first day of *May*, one thousand seven hundred and eighty-two, cause two new stamps to be used in pursuance of this act, besides the stamps heretofore requisite for or in such indenture or other writing by virtue of the said act (as in and by the said act made), the one of which new stamps shall denote the said duty of six-pence in the pound, and the other new stamps shall denote the said duty of one shilling in the pound; and that all such indentures, or other writings containing the sums truly given, paid, agreed or contracted as aforesaid, which shall, within or during the said years, be entered into, executed, or signed, within *London* or *Westminster*, or within the limits of the said cities, shall be brought to the head office for stamping of vellum, parchment, and paper; and the duty charged and payable for the sums therein to be stamped as aforesaid, shall be paid to the receiver-general being of the said duties on stamped vellum, parchment, and paper; and upon such payment thereof, the same shall be stamped with one of the said new stamps, as the case shall require, within one month after the respective dates

Two new stamps to be provided, &c.

And be it enacted by the authority aforesaid, that all indentures, and other writings, which shall contain the whole sum truly given, paid, agreed, or contracted for as aforesaid, which shall, within or during the said years, be entered into, executed, or signed, shall be brought to the head office, &c. in two months after date;

and there the
duty to be
paid and in-
denture
stamped, &c.
or the col-
lector to in-
dorse a re-
ceipt, &c.

the said term of five years, be entered into, executed, ed, in any part of *Great Britain*, (not being within th of the said weekly bills of mortality) shall (at the o the party concerned) be brought or sent, either to office within the limits of the said weekly bills, or else of the collectors, appointed or to be appointed for Majesty's duties upon stamped vellum, parchment, an who shall reside without the limits of the said weekly *England, Wales*, or the town of *Berwick-upon-Tweed*, or of the officers to be appointed for the duties by this act in *Scotland*, within two months after the date, execu signing of every such indenture, or writing respective upon producing of every such indenture or writing, eith said head office, or to such collector, or other officer, said, Her Majesty's duties hereby granted shall be pai to the said receiver-general at the said head office, or collector or other officer as aforesaid; and in case payment shall be made to the immediate hands of the r general in the said head office, for Her Majesty's use, indenture or writing, for which such payment shall b shall be forthwith stamped with one of the said new st the case shall require; and in case such payment made to the hands of such collector, or other officer, the limits of the said weekly bills, the same collector officer is hereby required to indorse on such inden other writing, a receipt for the monies so paid, in v length, bearing date the day on which such payment made, and to subscribe his name thereto, (to the inten may thereby be charged with every sum so paid to b forthwith deliver back the said indenture or writin dorsed to the bringer thereof.

Within what
time inden-
tures shall be
stamped.

XXXVIII. And it is hereby enacted by the authori said, That every such indenture or writing so indo case the same be entered into, executed, or signed w space of fifty miles, to be computed from the limits of weekly bills of mortality) shall, within three months . date or making thereof; and if the same be entered i cuted, or signed in any part of *Great Britain* at a gre tance from the limits aforesaid, shall, within six mon the date or making thereof, be brought or sent to head office, where the same (being produced with the ceipt indorsed) shall be immediately stamped with o said new stamps, as the case shall require, by the of pointed, or to be appointed for that purpose.

Indentures
in which the
full sum

XXXIX. And be it further enacted by the authori said, That all such indentures or writings, as aforesaid

shall not be truly inserted and written the full sum and sums of money received, or in any wise directly or indirectly given, paid, secured, or contracted for, with or in relation to such clerk, apprentice, or servant, as aforesaid, or whereupon the duties payable by this act shall not be duly paid, or lawfully tendered, or which shall not be stamped, or lawfully tendered to be stamped, according to the tenor and true meaning of this act, within the respective times herein for that purpose severally and respectively limited, shall be void, and not available in any court or place, or to any purpose whatsoever; and the clerk, apprentice, or servant, whom the same shall concern or relate to, shall in such case be utterly incapable of being free of any city, town, corporation, or company, and of following or exercising the intended profession, trade, or employment; any charter, law, or custom to the contrary notwithstanding.

received, is not charged, &c. void.

And clerk, &c. incapacitated.

XI. Provided always, That nothing in this act contained shall be construed to extend to charge any master or mistress with the payment of any of the said duties, in respect of any money by him or her received with any apprentice or servant, who shall be put or placed out at the common or public charge of any parish or township, or by or out of any public charity, or to require the stamping with any such new stamp as aforesaid, of any indenture, articles, covenant, agreement, or contract relating to such apprentice or servant as last mentioned; any thing herein contained to the contrary notwithstanding.

Parish or public charities not charged.

XLI. And be it further enacted by the authority aforesaid, That if any person shall forge or counterfeit the said new stamps to be provided in pursuance of this act, or either of them, or impress any vellum, parchment, or paper with any such counterfeit stamp, or counterfeit any receipt for any monies payable by virtue of this act, every such person being convicted of any of the offences before mentioned, shall be adjudged a felon, and suffer as in cases of felony, without benefit of clergy.

Forging new stamps, felony.

XLIII. And be it further enacted by the authority aforesaid, that no indenture or writing required by this act to be stamped as aforesaid, shall be given or admitted in evidence in any suit to be brought by any of the parties thereunto, unless such party, on whose behalf the same shall be given or admitted in evidence do first make oath, that to the best of his or her knowledge, the sum or sums therein for that purpose inserted or mentioned, was or were really and truly all that was directly or indirectly given, paid, secured, or

No indenture to be admitted in evidence, unless oath made of the sums really paid, &c.

contracted for, on behalf or in respect of such apprentice, or servant, to or for the benefit of the mistress to or with whom such clerk, apprentice, was put or placed.

Commissioners to observe the orders of the treasury.

No fee for stamps.

Officer neglecting his duty answers full damages and treble costs.

Where any thing shall be given to any master, not being money, the full value of such thing to be answered for the duties.

XLIV. And be it further enacted by the authority aforesaid, That the said commissioners for managing the duties on stamp vellum, parchment, and paper, and other officers who shall be employed in or about the managing or managing of the duties last mentioned, granted, shall, in and for the better execution of the offices and trusts, observe and perform such rules and orders, as they respectively shall from time to time receive from the lord high treasurer now being, or high treasurer of the exchequer, or commissioner of the treasury for the time being; and that no fee or reward shall be demanded or taken by any of Her Majesty's officers relating to the said stamp duties, from any of Her Majesty's subjects, for any matter or thing to be done in pursuance of this act; and in case any officer intrusted, or to be employed in the execution of this act, in relation to the said duties, shall refuse or neglect to perform any matter or thing by this act required to be done or performed by him, any of Her Majesty's subjects shall or may sustain any damage whatsoever, such officer so offending shall be liable to any action to be founded on this statute, to any party aggrieved all such damages, with treble costs on

XLV. And be it declared and further enacted by the authority aforesaid, That from and after the said first day of May, one thousand seven hundred and ten, and during the said five years, where any thing or things, not being money of *Great Britain*, shall directly or indirectly be assigned, conveyed, delivered, contracted for, or for the use of any master or mistress, with or without any such clerk, apprentice, or servant, for whose duties chargeable by this act; the duties hereby granted and mentioned shall be answered and paid for the full values of such thing or things, and the same duties and said values shall be secured and answered in the same manner and form, and under the like pains, penalties, and incapacities, as are before in this act prescribed for securing the said rates upon monies given or paid to be given or paid, with such clerks, apprentices, and servants as aforesaid.

[12 *Annæ*, s. 1. c. 18. s. 2.]

*for making perpetual the Act made in the thirteenth and
enth Years of the Reign of the late King Charles the
d, intituled An Act for the better Relief of the Poor of
Kingdom ; and that Persons bound Apprentices to, or
hired Servants with Persons coming with Certificates, shall
in Settlements by such Services or Apprenticeships.*

ut. 13 & 14 Car. 2. c. 12, made perpetual.

nd whereas by an act made in the eighth and ninth
f the reign of the late King *William the Third*, in- ^{8 & 9 W.3.}
An act for supplying some defects in the laws for the ^{c. 30.}
the poor of this kingdom, it was amongst other things
, in the words following, *viz.* That if any person or
whatsoever, that from and after the first day of *May*
usand six hundred and ninety-seven, shall come into
ish, or other place, there to inhabit or reside, shall,
ame time, procure, bring, and deliver to the church-
s or overseers of the poor of the parish or place
ny such person shall come to inhabit, or to any or
of them, a certificate under the hands and seals of
rchwardens and overseers of the poor of any other
township or place, or the major part of them, or
he hands and seals of the overseers of the poor of any
lace where there are no churchwardens, to be attested
ively by two or more credible witnesses, thereby own-
acknowledging the person or persons mentioned
l certificate to be an inhabitant or inhabitants legally
in that parish, township, or place, every such cer-
having been allowed of and subscribed by two or
f the justices of the peace of the county, city, liberty,
h, or town corporate, wherein the parish or place
whence any such certificate shall come doth lie, shall
the said parish or place to receive and provide for the
mentioned in the said certificate, together with his
family, as inhabitants of that parish, whenever he,
r they shall happen to become chargeable to, or be
to ask relief of the parish, township, or place to which
ertificate was given ; and then, and not before, it shall
ay be lawful for any such person, and his or her chil-
though born in that parish, not having otherwise ac-
a legal settlement there, to be removed, conveyed,
ttled in the parish or place from whence such certifi-
as brought : and whereas many persons obtaining and

After 24
June 1713,
any person
bound ap-
prentice, or
being a hired
servant to
one who came
into a parish
by certificate,
shall not gain
a settlement
there by rea-
son of such
apprentice-
ship, &c.

bringing such certificates do frequently take apprentices bound by indenture, and hire and keep servants by the year, who, by reason of such apprenticeships and services do gain settlements in, and become a great burthen to such parishes, townships, and places, though such masters coming with such certificates have, by virtue thereof, no settlements in such parishes, townships, or places: for remedy whereof, it is declared and enacted by the authority aforesaid, That if any person whatsoever, who, upon or after the four-and-twentieth day of *June* one thousand seven hundred and thirteen, shall be an apprentice, bound by indenture to, or shall, upon or after the said four-and-twentieth day of *June*, one thousand seven hundred and thirteen, be a hired servant to or with any person whatsoever, who did come into or shall reside in any parish, township, or place, in that part of *Great Britain* called *England*, by means or licence of such certificate, and not afterwards having gained a legal settlement in such parish, township, or place, such apprentice, by virtue of such apprenticeship, indenture, or binding, and such servant by being hired by, or serving as a servant, as aforesaid, to such person, shall not gain or be adjudged to have any settlement in such parish, township, or place, by reason of such apprenticeship or binding, or by reason of such hiring or serving therein; but every such apprentice and servant shall have his and their settlements in such parish, township, or place, as if he or they had not been bound apprentice or apprentices, or had not been an hired servant or servants to such person as aforesaid; any act or acts of parliament to the contrary notwithstanding.

[5 *Geo. 1. c. 8.*]

An Act for the more effectual Relief of such Wives and Children, as are left by their Husbands and Parents upon the Charge of the Parish.

Churchwar-
dens, &c.
may, by war-

“Whereas divers persons run or go away from their places of abode into other counties or places, and sometimes out of the kingdom, some men leaving their wives, a child or children, and some mothers run or go away, leaving a child or children upon the charge of the parish or place where such child or children was or were born, or last legally settled, although such persons have some estates, which should ease the parish of their charge, in whole or in part;” may it please Your Majesty therefore that it may be enacted, and be it enacted by the King’s most excellent

by and with the advice and consent of the lords and temporal, and commons, in this present parliament assembled, and by the authority of the same, That and may be lawful for the churchwardens or overseers of such parish or place where any such wife, or children shall be so left, upon application to, and warrant or order from any two justices of the peace, to seize so much of the goods and chattels, and remove so much of the annual rents and profits of the lands and tenements of such husband, father, or mother, as such justices of the peace as aforesaid shall order or direct, towards the discharge of the parish or place where such child, or children are left, for the bringing up and maintenance of such wife, child, or children; which warrant being confirmed at the next quarter sessions, it shall be lawful for the justices of such quarter sessions to make an order for the churchwardens or overseers of the poor of such parish or place, to dispose of such goods and chattels by sale, or lease, or so much of them, for the purposes aforesaid, and the court shall think fit, and to receive the rents and profits of so much of them as shall be ordered by the sessions aforesaid, of his or her lands and tenements, for the purposes aforesaid.

Two justices, seize the goods, &c. of husbands and parents, who leave their wives and children upon the parish.

Such warrant to be confirmed at quarter sessions; who may make an order for sale, &c.

It be it enacted by the authority aforesaid, That the churchwardens and overseers aforesaid shall be accountable at the quarter sessions for all such money as any of them, shall receive by virtue of this act.

Churchwardens, &c. to be accountable to justices in sessions.

[9 Geo. 1. c. 7.]

For amending the Laws relating to the Settlement, Employment, and Relief of the Poor.

Whereas by an act of parliament, made and passed in the third and fourth years of the reign of Their late Majesties William and Queen Mary, it was provided, That in every parish a book or books should be kept, wherein the names of all persons, who did or might receive collections should be registered, with the time when they were first admitted to such relief, and the occasion which brought them to such necessity; and that no such person should be allowed to have or receive collection at the charge of the parish, but by authority, or under the hand of one justice of the peace residing in such parish, or if none there dwelling,

3 & 4 W. & M. c. 11. s. 11.

9 Geo. 1. c. 7.

in the parts near or next adjoining, or by order of the justices at their quarter sessions, except in case of pestilential diseases, plague, or small-pox : and whereas under colour the proviso in the said act, many persons have applied some justices of peace, without the knowledge of any officer of the parish, and thereby, upon untrue suggestions, sometimes upon false or frivolous pretences, have obtained relief, which hath greatly contributed to the increase of parish rates :'' for remedy whereof, be it enacted by King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority the same, That, from and after the twenty-fifth day of May which shall be in the year of our lord one thousand seven hundred and twenty-three, no justice of peace shall or shall not give relief to any poor person dwelling in any parish, until it shall be made before such justice of some matter which he shall judge to be a reasonable cause or ground for having such relief, and that the same person had by himself, herself, or some other, applied for relief to the parishioners of the parish, at some vestry or other public meeting of the said parishioners, or to two of the overseers of the poor of the parish, and was by them refused to be relieved, and such justice hath summoned two of the overseers of the parish to shew cause why such relief should not be given, and such person so summoned hath been heard, or made default to appear before such justice ; any thing in the first proviso, or in the said act, to the contrary notwithstanding.

poor to be
relieved till
it is made of
a reasonable
cause.

II. And be it further enacted by the authority aforesaid That the person whom any such justices of peace shall think fit to order to be relieved, shall be entered in such books so to be kept by the parish, as one of those who is to receive collection, as long as the cause for such relief continues and no longer ; and that no officer of any parish shall (except upon sudden and emergent occasions) bring to the account of the parish any monies he shall give to any poor person of the same parish, who is not registered in such book or books taken by the said parish, as a person entitled to receive collection, on pain of forfeiting the sum of five pounds, to be levied by distress and sale, by warrant of any two or more justices of the peace of the same county, who shall have examined into and found him guilty of such offence : which said sum shall be applied to and for the use of the poor of the said parish by direction of the said justice or justices of the peace.

longer
in the
the con-
tinue.

III. And for the greater ease of justices of the peace, w^h His Majesty or his successors hath or shall by commission

authorise to act as a justice of the peace for any county of this realm; be it enacted by the authority aforesaid, That if any such justice of the peace shall happen to dwell in any city, or other precinct that is a county of itself, situate within the county at large, for which he shall be appointed justice of peace, although not within the same county, it shall and may be lawful for any such justice of peace to grant warrants, take examinations, and make orders for any matters, which any one or more justice or justices of the peace may act in, at his own dwelling-house, although such dwelling-house be out of the county where he is authorised to act as a justice of peace, and in some city or other precinct adjoining, that is a county of itself; and that all such warrants, orders, and other act or acts of any justice of peace, and the act or acts of any constable, tithingman, headborough, overseer of the poor, surveyor of the highways, or other officer, in obedience to any such warrant or order, shall be as valid, good, and effectual, in the law, although it happen to be out of the limits of the proper precinct or authority: Provided always, That nothing in this act contained shall extend to give power to the justices of peace for the counties at large, to hold their general quarter sessions of the peace in the cities or towns which are counties of themselves, nor to empower justices of peace, sheriffs, bailiffs, constables, headboroughs, tithing-men, borsholders, or any other peace officers of the counties at large, to act or intermeddle in any matters or things arising within cities or towns which are counties of themselves, but that all such actings and doings shall be of the same force and effect in law, and none other, as if this act had never been made.

Justices dwelling out of a county may grant warrants, &c.

IV. And for the greater ease of parishes in the relief of the poor, be it further enacted by the authority aforesaid, That it shall and may be lawful for the churchwardens and overseers of the poor in any parish, town, township, or place, with the consent of the major part of the parishioners or inhabitants of the same parish, town, township, or place, in vestry or other parish or public meeting for that purpose assembled, or of so many of them as shall be so assembled, upon usual notice thereof first given, to purchase or hire any house or houses in the same parish, township, or place, and to contract with any person or persons for the lodging, keeping, maintaining, and employing any or all such poor in their respective parishes, townships or places, as shall desire to receive relief or collection from the same parish, and there to keep, maintain, and employ all such poor persons, and take the benefit of the work, labour, and service of any such poor person or persons who shall be kept or maintained in any such house or houses, for the better maintenance and relief of such poor person or persons who

Churchwardens, &c. may purchase, &c. houses to lodge or employ the poor in.

See 22 G. 3. c. 83, s. 1.
45 G. 3. c. 54.

Poor refusing to be lodged, &c. are not intitled to relief.

See 36 G. 3.

c. 28.

55 G. 3. c. 157.

s. 3.

One parish, &c. being too small for such purchase, two may unite, &c.

Churchwardens, &c. of one parish may contract with those of another, &c.

shall be there kept or maintained; and in case any poor person or persons of any parish, town, township, or place, where such house or houses shall be so purchased or hired, shall refuse to be lodged, kept, or maintained in such house or houses, such poor person or persons so refusing, shall be put out of the book or books where the names of the persons who ought to receive collection in the said parish, town, township, or place, are to be registered, and shall not be entitled to ask or receive collection or relief from the churchwardens and overseers of the poor of the same parish, town or township; and where any parish, town or township, shall be too small to purchase or hire such house or houses for the poor of their own parish only, it shall and may be lawful for two or more such parishes, towns or townships or places, with the consent of the major part of the parishioners or inhabitants of their respective parishes, town, township or places, in vestry or other parish or public meeting for that purpose assembled, or of so many of them as shall be so assembled, upon usual notice thereof first given, and with the approbation of any justice of peace dwelling in or near any such parish, town, or place, signified under his hand and seal, to unite in purchasing, hiring, or taking such house, for the lodging, keeping, and maintaining of the poor of the several parishes, townships, or places so uniting, and there to keep, maintain, and employ the poor of the respective parishes so uniting, and to take and have the benefit of the work, labour, or service of any poor there kept and maintained, for the better maintenance and relief of the poor there kept, maintained, and employed; and that if any poor person or persons in the respective parishes, townships, or places so uniting, shall refuse to be lodged, kept, and maintained in the house, hired or taken for such uniting parishes, townships, or places, he, she, or they, so refusing, shall be put out of the collection book, where his, her, or their names were registered, and shall not be entitled to ask or demand relief or collection from the churchwardens and overseers of the poor in their respective parishes, townships, or places; and that it shall and may be lawful for the churchwardens and overseers of the poor of any parish, township, or place, with the consent of the major part of the parishioners or inhabitants of the said parish, township, or place where such house or houses is, are, or shall be purchased or hired for the purposes aforesaid, in vestry, or other parish or public meeting, for that purpose assembled, or of so many of them as shall be so assembled, upon usual notice thereof first given, to contract with the churchwardens and overseers of the poor of any other parish, township, or place, for the lodging, maintaining, or employing of any poor person or persons of such other parish, township, or place, as to them shall seem meet; and in case any

poor person or persons of such other parish, township, or place, shall refuse to be lodged, maintained, and employed in such house or houses, he, she or they, so refusing, shall be put out of the collection book of such other parish, township, or place where his, her, or their names were registered, and shall not be entitled to ask, demand, or receive any relief or collection from the churchwardens and overseers of the poor of his, her, or their respective parish, township, or place: Provided always, That no poor person or persons, his, her, or their apprentice, child, or children, shall acquire a settlement in the parish, town, or place, to which he, she, or they, are removed by virtue of this act, but that his, her, or their settlement, shall be and remain in such parish, town, or place, as it was before such removal; any thing in this act to the contrary notwithstanding.

Settlement to be as before removal.

V. And be it further enacted, by the authority aforesaid, That from and after the twenty-fifth day of *March*, which shall be in the year of our Lord one thousand seven hundred and twenty-three, no person or persons shall be deemed, adjudged, or taken, to acquire or gain any settlement in any parish, or place, for or by virtue of any purchase of any estate or interest in such parish or place, whereof the consideration for such purchase doth not amount to the sum of thirty pounds, *bond fide* paid, for any longer or further time than such person or persons shall inhabit in such estate, and shall then be liable to be removed to such parish or place, where such person or persons were last legally settled, before the said purchase and inhabitancy therein.

Settlement how to be acquired by purchase.

VI. And be it further enacted, by the authority aforesaid, That no person or persons whatsoever, who from and after the twenty-fifth day of *March*, in the year of our Lord one thousand seven hundred and twenty-three, shall be taxed, rated, or assessed to the scavenger or repairs of the highway, and shall duly pay the same, shall be deemed or taken to have any legal settlement in any city, parish, town, or hamlet, for or by reason of his, her, or their paying to such scavenger's rate or repairs of the highways as aforesaid: any law to the contrary in any wise notwithstanding.

Paying taxes to the scavenger, gains no settlement.

VII. "And whereas there was a clause in the statute made in the eighth and ninth years of His late Majesty King *William the Third*, intituled, *An act for the supplying some defects in the law for the relief of the poor of this kingdom*, whereby it was enacted, That after the first day of *May* one thousand six hundred and ninety-seven, all appeals against any order for the removing of any poor persons, should be heard at the quarter ses-

8 & 9 W. 3. c. 30.

Justice of St. Peter and hundred of Nassaborough in Northamptonshire may determine appeals.

sions of the county or division wherein the parish or place whence such person should be removed doth lie, and elsewhere, except the liberty of *Saint Albans*," Be it enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace, within the liberty of the borough of *Peter* and hundred of *Nassaborough*, in the county of *Northampton*, to hear and determine all appeals to them made, any order made for removal of any poor person, in the next quarter sessions, as they might have done before the making of the said last mentioned act; any thing therein or in this act contained to the contrary thereof in any wise notwithstanding.

Reasonable notice is to be given of appeals.

VIII. "And whereas several disputes and controversies have arisen and been concerning the time of notice to be given of appeals from orders of removals of poor persons, to the same as much as may be, for the future," Be it enacted by the authority aforesaid, That from and after the said fifth day of *March*, one thousand seven hundred and thirty-three, no appeal or appeals from any order or orders of removal of any poor person or persons whatsoever, from any place to another, shall be proceeded upon in any quarter sessions, unless reasonable notice be given to the churchwardens or overseers of the poor of such parish or place who shall make such appeal, unto the churchwardens or overseers of the poor of such parish or place from which such poor person or persons shall be removed, the reasons of which notice shall be determined by the justices of the peace at the quarter sessions, to which the appeal is made, and if it shall appear to them that reasonable time of notice was not given, then they shall adjourn the said appeal to the next quarter sessions, and then and there finally hear and determine the same.

Justices how to relieve the appellant on undue removals.

IX. And for the preventing vexatious removals, Be it enacted by the authority aforesaid, That, from and after the twenty-fourth day of *June*, in the year of our Lord one thousand seven hundred and twenty-three, if the justices of the peace shall, at their quarter sessions, upon an appeal to them there had concerning the settlement of any poor person, determine in favour of the appellant, that such poor person or persons was or were unduly removed, that then the justices shall, at the same quarter sessions, order and direct the churchwardens or overseers of the poor of such parish or place to such appellant so much money, as shall appear to the justices to have been reasonably paid by the parish, or place, on whose behalf such appeal was made for or to the relief of such poor person or persons, between the time of such undue removal, and the determination of such appeal.

the said money so awarded to be recovered in the same manner as costs and charges, upon an appeal, are prescribed to be recovered by the said statute made in the ninth year of his late Majesty King William the Third, intituled, *An act for applying some defects in the laws for the relief of the poor of this Kingdom.* 8 & 9 W. 3. c. 30.

[3 Geo. 2. c. 29. s. 8 & 9.]

An Act for making further Provision concerning certificates relating to the Settlements of poor Persons, and the charges of maintaining and removing certificated Persons.

VIII. "And to prevent disputes which often happen touching the proof of certificates given by the officers of any parish or place, acknowledging any person or persons therein named to be an inhabitant or inhabitants legally settled in such parish, town, or place, by virtue of an act of parliament made in the eighth and ninth years of the reign of His late Majesty King William the Third, and for making such certificates more effectual," be it enacted by the authority aforesaid, That from and after the twenty-fourth day of June, in the year of our Lord one thousand seven hundred and thirty, the witnesses who attest the execution of such certificates by the churchwarden or churchwardens, overseer or overseers, signing and sealing the same, or one of the said witnesses, shall make oath before the justices of the peace, who by the said act are directed to allow the same (which oath they are hereby authorised to administer) that such witness or witnesses did see the churchwarden or churchwardens, overseer or overseers, whose names and seals are thereunto subscribed and set, severally sign and seal the said certificate, and that the names of such witnesses attesting the said certificate are of their own proper hand-writing; which said justices of the peace shall also certify that such oath was made before them; and every such certificate so allowed, and oath of the execution thereof so certified, by the said justices of the peace, shall be taken, deemed and allowed, in all courts whatsoever, as duly and fully proved, and shall be taken and received as evidence, without other proof thereof; and that all certificates given in pursuance of the said act, before the said twenty-fourth day of June, one thousand seven hundred and thirty, shall be also taken and allowed in all courts as evidence, without other proof; provided the same are duly allowed by two justices of the peace, as by the said act is required.

Witnesses to certificates of settlements to swear that they saw the churchwardens, &c. sign them. See 1 & 2 G. 1. c. 32.

IX. "And whereas by an act made in the eighth and ninth years of the reign of His late Majesty King *William the Third*, intituled, *An Act for supplying some defects in the laws for the relief of the poor of this kingdom*, all parishes and places are obliged to receive and entertain as inhabitants all and every person and persons and their families, which come from any other parishes or places with such certificate of their settlement as in the said act are directed and required, until such certificate persons become chargeable, in which case and no others, the parishes and places to which they have been sent by certificate, are authorised to re-convey, and those from whence they came, required to receive the said certificate persons and their families, as their proper parishioners and inhabitants; but no provision is made in the said act for reimbursing the parishes and places the charges they may be put to in re-conveying the said certificate persons to their former parishes and settlements, or for the maintenance of them when sick or disabled, till they may be in a condition to be so removed, whereby divers parishes and places are often put to great and unavoidable expenses in removing and maintaining such certificate persons and their families:" Now, to remedy and prevent the same for the future, be it enacted by the authority aforesaid, That when any overseer or overseers of the poor of any parish or place, or other person, shall remove back any person or persons or their families, residing in such parish or place, or sent thither by certificate, and becoming chargeable as aforesaid, to the parish or place to which such person or persons shall belong, such overseers or other persons shall be reimbursed such reasonable charges as they may have been put unto, in maintaining and removing such person or persons, by the churchwardens or overseers of the poor of the parish or place, to which such person or persons is or are removed, the said charges being first ascertained and allowed of by one or more of His Majesty's justices of the peace for the county or place to which such removal shall be made; which said charges so ascertained and allowed, shall, in cases of refusal of payment, be levied by distress and sale of the goods and chattels of the churchwardens and overseers of the poor of the parish or place, to which such certificate person or persons is or are removed by warrant or warrants under the hand and seal, or hands and seals, of such justice or justices, returning the overplus, if any there be; which warrant or warrants he or they are hereby required to grant.

seers to
eim-
ted on re-
veying
ificate
ons.

[5 Geo. 2. c. 19.]

to act to oblige the Justices of the Peace at their General or Quarter Sessions to determine Appeals made to them according to the Merits of the Case, notwithstanding Defects of form in the original Proceedings; and to oblige Persons suing forth Writs of Certiorari to remove orders made on such Appeals into His Majesty's Court of King's Bench, to give Security to promote the same with Effect.

"Whereas in many cases where His Majesty's justices of the peace by law are empowered to give or make judgments or orders, great expences have been occasioned by reason that such judgments or orders have, on appeals to the justices of the peace at their respective general or quarter sessions, being quashed or set aside upon exceptions or objections to the form or forms of the proceedings, without hearing or examining the truth and merits of the matter in question between the parties concerned:" therefore to prevent the same in the future, may it please Your most excellent Majesty that may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That after the twenty-fourth day of June, one thousand seven hundred and thirty-two, upon all appeals to be made to the justices of the peace at their respective general or quarter sessions to be holden for any county, riding, city, liberty, or town, or precinct, within that part of Great Britain called England, against judgments or orders given or made by any justices of the peace as aforesaid, such justices so assembled at any general or quarter sessions shall, and they are hereby required from time to time, within their respective jurisdictions, upon and every such appeals so made to them, to cause any defect or defects of form that shall be found in any such original judgments or orders, to be rectified and amended without any cost or charge to the parties concerned, and after such amendment made shall proceed to hear, examine, and consider the truth and merits of all matters concerning such original judgments or orders, and likewise to examine all witnesses upon oath, and hear all other proofs relating thereto, and to make such determinations thereupon as by law they should or ought to have done, in case there had not been such defect or want of form in the original proceeding; any law, statute, or custom to the contrary notwithstanding.

After 34th June, 1732, justices may rectify defects of form on appeals,

and may proceed to determine them.

No certiorari to be allowed to remove justices' orders, without a recognizance of 50*l.* to prosecute to effect. See 18 G. 2. c. 18. s. 5.

On refusal of recognizance, justices to proceed.

Recognizances to be certified into the King's Bench.

Attachment for contempt.

II. "And whereas divers writs of *certiorari* have been used to remove such judgments or orders into His Majesty's court of king's bench at *Westminster*, in hopes thereof to weary out the parties concerned in such judgments or orders by great delays and expences:" be it therefore enacted by the authority aforesaid, That no *certiorari* shall be allowed to remove any such judgment or order, nor any party or parties prosecuting such *certiorari* before the said court, shall enter into a recognizance with sufficient sureties before one or more justices of the peace of the county or before the justices at their general quarter sessions or at their assizes, where such judgment or order shall have been given or made, or before any one of His Majesty's judges in the said court of king's bench, in the sum of fifty pounds, with condition to prosecute the same at his or their own charges with effect, without any wilful or affected delay, and to pay the party or parties, in whose favour such judgment or order was given or made, within one month after the said judgment or order shall be confirmed, their full costs and charges, to be taxed according to the course of the court where such judgments or orders shall be confirmed; and in case the party or parties prosecuting such *certiorari* shall not enter into such recognizance, or shall not perform the conditions aforesaid, it shall be lawful for the said justices to proceed and make such further order or orders for the benefit of the party or parties for whom such judgment shall be given, in such manner as if no *certiorari* had been granted.

III. And it is hereby further enacted by the authority aforesaid, That the recognizance and recognizances taken as aforesaid, shall be certified into the court of king's bench at *Westminster*, and there filed with the *certiorari* order, or judgment removed thereby; and if the said judgment or judgment shall be confirmed by the said court, the party or parties intitled to such costs for the recovery thereof, within ten days after demand made of the person or persons who ought to pay the said costs, upon oath made of the making such demand and refusal of payment thereof, shall have an attachment granted against him or them by the said court for contempt, and the said recognizance so given, upon the failing of such *certiorari* shall not be discharged, unless the costs shall be paid, and the order so confirmed shall be obeyed.

[6 Geo. 2. c. 31.]

*for the relief of Parishes and other Places from such
as may arise from Bastard Children born within the*

As the laws now in being are not sufficient to provide for securing and indemnifying parishes and other in the great charges frequently arising from children and born out of lawful matrimony: for remedy where it enacted by the King's most excellent Majesty, with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, by the authority of the same, That from and after the fourth day of June, in the year of our Lord one thousand seven hundred and thirty-three, if any single woman delivered of a bastard child, which shall be chargeable to become chargeable to any parish or extra-parochial, or shall declare herself to be with child, and that she is likely to be born a bastard, and to be chargeable in any parish or extra-parochial place, and shall in either of the cases, in an examination to be taken in writing, upon oath of any one or more justice or justices of the peace for the county, riding, division, city, liberty, or town corporate in such parish or place shall licitly charge any person having gotten her with child, it shall and may be lawful for such justice or justices, upon application made to him or them by the overseers of the poor of such parish or place, or by any one of them, or by any substantial householder in such extra-parochial place, to issue out his or their writs or warrants for the immediate apprehending such person charged as aforesaid, and for bringing him before the justice or justices, or before any other of His Majesty's judges of the peace of such county, riding, division, city, liberty, or town corporate; and the justice or justices before whom such person shall be brought, is and are hereby authorised to commit the person so charged as aforesaid to prison, or to gaol or house of correction of such county, riding, division, city, liberty, or town corporate, unless he shall give sufficient security to indemnify such parish or place, or shall enter into recognisance with sufficient surety, upon condition to appear at the next general quarter sessions or general sessions of the peace to be holden for such county, riding, division, city, liberty, or town corporate, and to abide and perform such orders as shall be made in pursuance of an act passed in the eighteenth year of the reign of Her late Majesty 18 Edw. c. 3.

After 24th
June 1733,
the person
charged on
oath of being
the father of
a bastard
child,

may be im-
mediately ap-
prehended,

and commit-
ted to prison,
unless he
give security.

Queen Elizabeth, concerning bastards begotten and be-
of lawful matrimony.

Such person
on the wo-
man's mis-
carriage, &c.
shall be dis-
charged.

II. Provided nevertheless, and be it enacted by the
rity aforesaid, That if the woman so charging any per-
aforesaid shall happen to die, or be married before she
be delivered, or if she shall miscarry of such child, or
appear not to have been with child at the time of her ex-
amination, then, and in any of the said cases, such person
discharged from his recognizance at the next general
sessions or general sessions of the peace to be hold
such county, riding, division, city, liberty, or town
porate, or immediately released out of custody, by
warrant under the hand and seal, or hands and seals, of
one or more justice or justices of the peace residing
near the limits where such parish or place shall lie.

The justices,
on prisoner's
request, may
summon the
overseers, &c.

III. Provided also, and be it enacted by the authority
said, That upon application made by any person who
committed to any gaol or house of correction by vir-
this act, or by any person on his behalf, to any just-
ices residing in or near the limits where such pa-
place shall lie, such justice or justices is and are here-
thorised and required to summon the overseer or overse-
the poor of such parish, or one or more of the sub-
householders of such extra-parochial place, to appear
him or them at a time and place to be mentioned in
summons, to shew cause why such person should not be
charged; and if no order shall appear to have been made
pursuance of the said act of the eighteenth year of the
of Her late Majesty *Queen Elizabeth*, within six weeks
such woman shall have been delivered, such justice or ju-
shall and may discharge him from his imprisonment in
gaol or house of correction to which he shall have been
mitted.

and if no
order be made
within six
weeks after
the woman's
delivery, pri-
soner to be
set at liberty.

The woman
not to be ex-
amined relat-
ing to her
pregnancy,
till one
month after
her delivery.

IV. Provided always, and be it further enacted by the
thority aforesaid, That it shall not be lawful for any ju-
or justices of the peace to send for any woman what-
before she shall be delivered, and one month after, in-
to her being examined concerning her pregnancy, or sup-
pregnancy, or to compel any woman before she shall be
delivered to answer to any questions relating to her preg-
any law, usage, or custom, to the contrary notwithstanding.

[11 Geo. 2. c. 20.]

for the more effectually securing the payment of certain sums, &c.

led by 53 Geo. 3. c. 113. s. 1.

[12 Geo. 2. c. 29.]

for the more easy assessing, collecting, and levying of County Rates.

22, 23, repealed by 53 Geo. 3. c. 113. s. 1.

[13 Geo. 2. c. 18. s. 5.]

Act to continue several laws therein mentioned for, &c.

and for the better preventing vexatious delays and
 occasions by the suing forth writs of *certiorari*, for
 removal of convictions, judgments, orders, and other
 things before justices of the peace; be it further enacted
 by the authority aforesaid, That from and after the twenty-
 day of June, which shall be in the year of our Lord
 one thousand seven hundred and forty, no writ of *certiorari*
 shall be granted, issued forth, or allowed, to remove any
 conviction, judgment, order, or other proceedings had or
 done by or before any justice or justices of the peace of any
 county, city, borough, town corporate, or liberty, or the
 next general or quarter sessions thereof, unless such
 writ be moved or applied for within six calendar months
 after such conviction, judgment, order, or other pro-
 ceedings shall be so had or made, and unless it be duly
 sworn upon oath, that the said party or parties suing forth
 the same, hath or have given six days notice thereof in
 writing to the justice or justices, or to two of them (if so
 there be) by and before whom such conviction, judg-
 ment, order, or other proceeding shall be so had or made,
 and that such justice or justices, or the parties therein
 concerned, may shew cause, if he or they shall so think fit,
 against the issuing or granting such *certiorari*.

[16 Geo. 2. c. 18.]

An Act to empower Justices of the Peace to act in certain Cases relating to Parishes and Places, to the Rates and Taxes of which they are rated or chargeable.

"Whereas doubts have arisen whether, according to the laws and statutes now in force, His Majesty's justices of the peace may lawfully act in any case relating to the parishes or places to the rates and taxes of which such justices respectively are rated or chargeable;" may it please Your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for all and every justice or justices of the peace for any county, riding, city, liberty, franchise, borough, or town corporate, within their respective jurisdictions, to make, do, and execute all and every act or acts, matter or matters, thing or things, appertaining to the office as justice or justices of the peace, so far as the same relates to the laws for the relief, maintenance, and settlement of poor persons; for passing and punishing vagrants; for repair of the highways; or to any other laws concerning parochial taxes, levies, or rates; notwithstanding any such justice or justices of the peace is or are rated to or chargeable with the taxes, levies, or rates within any such parish, town, or place affected by any such act or acts of such justice or justices as aforesaid.

Justices may enforce the laws relating to parish taxes, &c. though they are chargeable themselves.

To act of justices heretofore done shall be made void, because themselves are rated.

II. And be it further enacted by the authority aforesaid, That no act or acts, matter or matters, thing or things, which hath or have been before the making this act done, made, or executed, by any such justice or justices of the peace, shall hereafter be quashed or declared void, because the same hath or have been so made, done, or executed by any such justice or justices, so rated or chargeable as aforesaid, any law, usage, or custom whatsoever to the contrary notwithstanding.

Proviso.

III. Provided always, and be it further enacted by the authority aforesaid, That this act, or any thing therein contained, shall not authorize or empower any justice or justices of the peace for any county or riding at large, to act in the determination of any appeal to the quarter sessions for any such county or riding, from any order, matter, or thing relating

parish, township, or place, where such justice or the peace is or are so charged, taxed, or charge-
said; any thing herein contained to the contrary notwithstanding.

[17 Geo. 2. c. 3.]

*blige Overseers of the Poor to give public Notice of
le for the Relief of the Poor, and to produce the same.*

as great inconveniences do often arise in cities, orate, parishes, townships, and places, by reason nited power of the churchwardens and overseers , who frequently, on frivolous pretences, and for s, make unjust and illegal rates in a secret and manner, contrary to the true intent and meaning made in the forty-and-third year of the reign of abeth, intituled, *An act for the relief of the poor;*" 43 Eliz. c. 2. whereof, and preventing the like abuses for the it enacted by the King's most excellent Majesty, the advice and consent of the lords spiritual and nd commons, in this present parliament assembled, authority of the same, That from and after the May, one thousand seven hundred and forty-four, rardens and overseers, or other persons authorized e of the poor in every parish, township, or place, or cause to be given, public notice in the church e for the relief of the poor, allowed by the justices e next Sunday after the same shall have been so nd that no rate shall be esteemed or reputed valid nt so as to collect and raise the same, unless such have been given.

Poor's rates
to be publish-
ed in the
church.

be it further enacted, That the churchwardens and f the poor, or other persons authorized as afore- ry parish, township, or place, shall permit all and nhabitants of the said parish, township, or place, very such rate at all seasonable times, paying one the same, and shall, upon demand, forthwith give e same, or any part thereof, to any inhabitant of ish, township, or place, paying at the rate of six- very twenty-four names.

The rates to
be inspected
by any inha-
bitant, and
copies taken.

be it further enacted, That if any churchwarden of the poor, or other person authorized as afore- ot permit any inhabitant or parishioner to inspect

Penalty on
not permit-
ting any in-
habitant to
inspect, &c.

17 Geo. 2. c. 3.

the said rates, or shall refuse or neglect to give copies as aforesaid, such churchwarden or overseer, or other authorized as aforesaid, for every such offence, shall and pay to the party aggrieved the sum of twenty to be sued for, and recovered by action of debt, bill, or information, in any of His Majesty's courts of wherein no essoign, protection, or wager of law, or than one imparlance shall be allowed.

[17 Geo. 2. c. 5.]

An Act to amend and make more effectual the Laws re Rogues, Vagabonds, and other idle and disorderly Persons to Houses of Correction.

Sect. 1—19, 22—30. Repealed by 5 Geo. 4. c. 83, s. 20, 21, repealed by 9 Geo. 4. c. 40. s. 1.

[17 Geo. 2. c. 37.]

An Act to prevent Disputes touching the Parishes or Places improved Wastes, and drained and improved Marsh Lands be charged to Parochial Rates.

“Whereas in divers counties great quantities of waste barren lands, and lands which were formerly fen or ground, or covered with water, have been of late improved or drained, and are now of very considerable value, and the inhabitants therein, and occupiers ought to bear and pay a proportionable part of the rate for the relief of the poor, and to be subject to such rate and in like manner as other inhabitants and occupiers of lands, houses, tythes impropriate, appropriations of tythes, mines, and saleable underwoods, are, by an act made in the forty-third year of the reign of Queen Elizabeth, in the first year of the reign of King Charles the Second, in the first year of the reign of King William the Third, and in the first year of the reign of King George the Second, and likewise to bear a proportionable part of all other parochial rates; but difficulties frequently arise in determining to what place such lands belong, or ought to be rated;” Before enacted by the King's most excellent Majesty, with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after

17th day of June, one thousand seven hundred and
 , where there shall be any dispute or uncertainty
 arish or place such lands heretofore improved or
 or hereafter to be improved or drained, lie, and
 rated; all and every the occupier and occupiers of
 , or houses built thereon, tenements, tythes arising
 , mines therein, and saleable underwoods therein
 or hereafter to grow, shall be rated and assessed to
 of the poor, and to all other parochial rates within
 h and place which lies nearest to such lands, in like
 d form, and subject to the same directions and re-
 ns all other lands within such parish and place are
 le to be rated and assessed thereunto; and if on
 to the officers of such parish or place to have such
 or drained lands rated and assessed as aforesaid,
 e or difference shall arise touching what parish or
 lands ought to be rated and assessed in, it shall
 e lawful to and for the justices of the peace for the
 ding, liberty, or division, where such lands lie, at
 general or quarter sessions to be held for such
 ding, liberty, or division, after such application
 foresaid, and after notice given to the officers of the
 rishes and places abutting upon and joining to such
 to all other persons claiming and interested there-
 : and determine the same on the appeal of any per-
 sted, and at such sessions to cause such lands or
 ents as aforesaid to be allotted to, and fairly
 y assessed in such parish or place as they shall see
 eet, and such determination and allotment shall at
 hereafter be final and conclusive to and upon the
 al parishes and places, and all other persons what-
 o the parish or place in which such lands and here-
 shall be rated and assessed to the poor, and all
 chial rates as aforesaid; and the said lands and
 ents shall at all times after such determination and
 be rated and assessed to the relief of the poor, and
 er parochial rates within such parish and parishes,
 places only, to which they shall respectively have
 lotted as aforesaid; any law, custom, or usage, to
 ry in any wise notwithstanding.

Drained
 lands to pay
 parochial
 taxes.

Justices in
 general or
 quarter ses-
 sions to hear
 and deter-
 mine dis-
 putes.

rided always, and it is hereby enacted and declared
 hority aforesaid, That nothing in this act contained,
 lotment to be made by the justices of the peace at
 eral quarter sessions, in pursuance and by virtue
 all extend to, or be deemed or construed to extend
 any wise affect or determine the boundaries of any
 parishes, place or places, to any intent or purpose

other than for the purpose of rating and assessing such tenements, and hereditaments, to the relief of the poor to all other parochial rates within such parish or place, which they shall be so allotted as aforesaid; any thing in contained to the contrary thereof in any wise notwithstanding.

16 & 17 Car. 2.
c. 11.

The poor to
be main-
tained by the
trustees.

III. Provided always, and be it declared, That nothing this act shall extend, or be construed to extend to invalidate or make void, or in any wise alter a clause, in an act of parliament made in the sixteenth and seventeenth year of the reign of King Charles the Second, intituled, *An act for draining the fen called Deeping Fen, and other fens therein mentioned* whereby it is enacted, That the trustees therein named, their heirs and assigns, or the survivor of them, their or their tenants, farmers, or groundholders of any part of the third part of the said fen, or of the five thousand acres therein mentioned, should not have any time hereafter, to claim any common of pasture, or other commonage or tithing, in any part of the remainder of the said fens, nor of them, nor in the north fen of *Pinchbeck* and *Spalding*, any part thereof, by virtue or pretence of his or their right there; but all and every the inhabitants that might or after be upon any part of the said third part, or upon any of the said five thousand acres, and were not able to maintain themselves, should be maintained and kept by the said trustees, their heirs and assigns, and the survivor of them never become chargeable in any kind to all or any the respective parishes wherein such inhabitant or inhabitants reside or dwell; any statute or law to the contrary thereto in any wise notwithstanding.

[17 Geo. 2. c. 38.]

An Act for remedying some Defects in the Act made in the Forty-third Year of the Reign of Queen Elizabeth, intitled An Act for the Relief of the Poor.

43 Eliz. c. 2.

"Whereas by reason of some defects in an act of parliament made in the three-and-fortieth year of the reign of late Queen Elizabeth, intituled, *An act for the relief of the poor*, the money raised for that purpose is liable to be applied, and there is often great difficulty and delay in the payment of the same;" for remedy whereof may it please Your excellent Majesty that it may be enacted, and be it en-

the most excellent Majesty, by and with the advice of the lords spiritual and temporal, and com- present parliament assembled, and by the autho- rity of That, from and after the twenty-fourth day of March next, three thousand seven hundred and forty-four, the churchwardens and overseers of the poor shall yearly and within fourteen days after other overseers shall be removed and appointed to succeed them, deliver in to the said churchwardens, a just, true, and perfect account of the sums of money, goods, and chattels, fairly entered in a book or books to be kept for the use of the said churchwardens and over- seers, and signed by the said churchwardens and over- seers, directed to account as aforesaid, under their sums of money by them received, or rated, and not received; and also of all goods, chattels, materials, that shall be in their hands, or in the hands of the poor, in order to be wrought, and of all other things concerning their said office; and they shall deliver over all sums of money, goods, and other things, as shall be in their hands, unto the said churchwardens and overseers of the poor; which said account shall be confirmed by oath, or by the affirmation of persons sworn, before one or more of His Majesty's justices of the peace, which said oath or affirmation such justice or justices shall be authorized and required to adminis- ter, sign and attest the caption of the same, at the request of the said churchwardens and overseers, without fee or reward; and the said account shall be carefully preserved by the church- wardens and overseers, or one of them, in some public or private place in every parish, township, or place; and they shall be hereby required to permit any person there- unto to be assessed, to inspect the same at all seasons, paying sixpence for such inspection, and shall, upon request, forthwith give copies of the same, or any part thereof, to any person, paying at the rate of sixpence for every hundred words, and so in proportion for any greater or lesser number.

At what time parish officers shall make up their accounts. See 50 G. 3. c. 49.

Books may be inspected, paying 6d. and copies taken, paying 6d. for 300 words.

It is hereby further enacted, That in case such churchwardens and overseers of the poor or any of them, shall neglect to make and yield up such account, as aforesaid, within the time hereinbefore limited, or shall refuse or neglect to pay and deliver over the sums of money, goods, chattels, and other things, as by this act is directed; in either of which cases it shall and may be lawful to and for any two justices of the peace, to commit him or them to the custody of the gaoler, until he or they shall have given such account,

Penalty on parish officers not accounting as this act directs.

or shall have paid or yielded up such monies, goods, &c. and other things in their hands as aforesaid.

On an overseer's dying, &c. two justices to choose another.

Overseer removing, shall deliver his accounts to the churchwardens, &c.

Executors of overseers to account in 40 days.

III. And be it further enacted by the authority aforesaid, That if any such overseer shall die, or remove from the place for which he was appointed, or become insolvent, before the expiration of his office, on oath thereof made, it shall be lawful for two justices of the peace to appoint another or others in his stead, who shall continue in office until new overseers are appointed; and if any overseer shall remove as aforesaid, he shall, before such removal, deliver over to some churchwarden, or other overseer of the same place, his account verified as aforesaid, with all rates, assessments, books, papers, sums of money, and other things concerning his office under the like penalties as are inflicted by this act on an overseer refusing to do the same after the expiration of his office; and if any overseer shall die as aforesaid, his executors or administrators shall, within forty days after his decease, deliver over all things concerning his office to some churchwarden, or other overseer of the same place; and shall pay out of the assets left by such overseer, all sums of money owing due, which he received by virtue of his said office, and any of his other debts are paid and satisfied.

Persons aggrieved may appeal to the next quarter sessions.

IV. And be it further enacted, That in case any persons shall find him, her, or themselves aggrieved by any rate or assessment made for the relief of the poor, or shall have any material objection to any person or persons put on, or left out of such rate or assessment, or to the charges charged on any persons therein, or shall have any objection to such account as aforesaid, or any part thereof, or shall find him, her, or themselves aggrieved by any act, or thing done or omitted by the churchwardens, overseers of the poor, or by any of His Majesty's justices of the peace; it shall and may be lawful for such persons, in any of the cases aforesaid, giving reasonable notice to the churchwardens or overseers of the poor of the township, or place, to appeal to the next general or quarter sessions of the peace for the county, riding, division, borough, or franchise, where such parish, township, or place lies; and the justices of the peace there assembled, are authorized and required to receive such appeal, and to hear and finally determine the same; but if it shall appear to said justice, that reasonable notice was not given, then he shall adjourn the said appeal to the next quarter sessions, and there finally hear and determine the same; and said justices may award and order to the party, for whose appeal shall be determined, reasonable costs, in the

They are empowered to do in case of appeals concerning the settlement of poor persons, by an act made in the ninth years of King William the Third, intituled, *Applying some defects in the laws for the relief of the* 8 W. 3. c. 30. *begun.*

And always, That in all corporations or franchises, at four justices of the peace, it shall and may be by any person or persons, in any of the cases aforesaid, relief is given by this act, to appeal, if he or they it, to the next general or quarter sessions of the county, riding, or division, wherein such corporation or franchise is situate.

Proviso for corporations, &c. See 1 G. 4. c. 36.

whereas it hath been held, that upon appeals and assessments, the justices of the peace may not alter old rates, but make new rates and assessments, no appeal can be had : Be it enacted by the aforesaid, That upon all appeals from rates and assessments the justices of the peace (where they shall see just relief) shall and are hereby required to amend such manner only as shall be necessary for giving without altering such rates or assessments, with the persons mentioned in the same ; but if upon the whole rate, it shall be found necessary to amend the same, then, and in every such case, justices shall, and are hereby required to order and churchwardens and overseers of the poor to make a rate or assessment, and they are hereby required same accordingly.

How far justices shall give relief on appeals. See 41 G. 3. c. 23 s. 1.

for the more effectual levying money assessed for the poor, be it enacted by the authority aforesaid, that if any person assessed, and refusing to pay, shall by warrant of distress, not only in the place where such assessment was made, but in any other place in the same county or precinct ; and if sufficient distress cannot be found, then, and in every such case, on oath before some justice of any other county or precinct shall be certified under the hand of such justice (by said warrant), such goods may be levied in such county or precinct, by virtue of such warrant and certificate, if any person shall find him or herself aggrieved by such assessment as aforesaid, it shall and may be lawful for him to appeal to the next general or quarter sessions for the county or precinct where such assessment was made, and the justices there are hereby required to hear and determine the same.

Clause relating to warrants of distress.

Appeal to quarter sessions.

Clause to prevent vexatious actions against overseers.

VIII. And to prevent all vexatious actions against of the poor, be it enacted by the authority aforesaid where any distress shall be made for any sum of money, justly due for the relief of the poor, the distress shall not be deemed to be unlawful, nor the party making it be deemed a trespasser or trespassers, or of any defect, or want of form in the warrant for the arrestment of such overseers, or in the rate or assessment warrant of distress thereupon: nor shall the party distraining be deemed a trespasser or trespassers on account of any irregularity, which shall be afterwards by the party or parties distraining, but the party aggrieved by such irregularity, shall or may recover satisfaction for the special damage, he, she, or they, sustained thereby, and no more, in an action of trespass on the case, at the election of the plaintiff or plaintiff

Plaintiffs recovering, to have full costs.

IX. Provided always, That where the plaintiff or plaintiff shall recover in such action, he, she, or they, shall recover his, her, or their full costs of suit, and have all the costs due for the same, as in other cases of costs.

Proviso in case of irregularity.

X. Provided nevertheless, That no plaintiff or plaintiff shall recover in any action for any such irregularity, if tender of amends hath been made by the parties distraining, before such action brought.

Succeeding overseers to levy arrears, to reimburse the former.

XI. And be it further enacted by the authority aforesaid That in case any person or persons shall refuse or refuse to pay to such overseers as aforesaid, any sum or sums that he, she, or they, shall be legally rated or assessed shall and may be lawful to and for the succeeding overseers and they are hereby required to levy such arrears, the money so levied to reimburse their predecessors of money which they have expended for the use of the parish and which are allowed to be due to them in their several aforesaid.

Clause concerning persons removing out of parishes.

XII. " And whereas persons frequently remove from parishes and places without paying the rates assessed and other persons do enter and occupy their houses and premises part of the year, by reason whereof great sums annually lost to such parishes and places;" Be it enacted by the authority aforesaid, That where any persons shall come into, or occupy any house, land, or hereditament, or other premises, out of or from any other person assessed shall be removed, or which the rate of making such rate was empty or unoccupied,

son so removing from, and every person so coming occupying the same, shall be liable to pay such rate in a to the time that such person occupied the same ly, in the same manner, and under the like penalty as, as if such person so removing had not removed, erson so coming in or occupying, had been origid and assessed in such rate; which said proportion, dispute, shall be ascertained by any two or more of ty's justices of the peace.

And be it further enacted by the authority aforesaid, and just copies of all rates and assessments, here-
Copies of rates to be entered in a book,
 made for the relief of the poor, be fairly wrote and a book or books, to be provided for that purpose, churchwardens and overseers of the poor of every township, or place, who shall take care that such wrote and entered accordingly, within fourteen days appeals from such rates are determined, and shall same by putting their names thereto; and all and a book or books shall be carefully preserved by the rdens and overseers of the poor for the time being, them, in some public or other place, in every such township, or place, whereto all persons assessed, or e assessed, may freely resort, and shall be delivered time to time to the new and succeeding church-nd overseers of the poor, as soon as they enter into offices, to be preserved as aforesaid, and shall be by them at the general or quarter sessions, when d is to be heard or determined.
to be kept for public perusal.

And be it further enacted by the authority aforesaid, any churchwarden, overseer of the poor, or other any parish, township, or place, shall neglect or re-ey and perform the several orders and directions of r any of them, where no penalty is before provided t, or shall act contrary thereto; every such church-verseer of the poor, or other officer so offending in ses, shall, for every such offence, on oath thereof hin two calendar months after the offence commit-e any two or more of His Majesty's justices of the -feit, for the use of the poor of such parish, town-ace, a sum not exceeding five pounds, nor less than llings, to be levied by distress and sale of the of-oods, by warrant from such justices; which sum aid to some churchwarden or overseer of the poor rish, township, or place, for the purpose aforesaid.
Penalty on parish officers not obeying this act.

ad be it further enacted by the authority aforesaid,

Power of
overseers
where there
are no
churchwar-
dens.

That overseers of the poor, within every township or place where there are no churchwardens, shall from time to time do, perform, and execute all and every the acts, powers, and authorities, concerning the relief of, and other matters of things relating to the poor, as churchwardens and overseers of the poor may do, perform, and execute by this act, or any former statute concerning the poor, and shall lose, forfeit, and suffer all such pains and penalties for neglect, omission, or non-performance thereof, as churchwardens and overseers of the poor are liable to, by virtue of this or any former statute concerning the poor.

[18 Geo. 2. c. 22. s. 24, 25, & 26.]

An Act for giving farther Time for the Payment of Debts omitted to be paid for the Indentures or Contracts of Clerks, Apprentices, and for the further enforcing the Payment of said Duties.

Further pen-
alties for
not paying
the said du-
ties.

XXIV. And for the better enforcing the payment of rates and duties directed to be levied and paid by the former acts; it is hereby further enacted by the authority aforesaid, that from and after the twenty-fourth day of June in the year of our Lord one thousand seven hundred and forty-five, if any master or mistress shall neglect to pay said rates and duties for clerks, apprentices, or servants within the respective times, in and by the former acts limited and appointed in that behalf, according to the true intent and meaning of the same, every such master or mistress shall, for every such neglect, forfeit and pay double the rates and duties charged and directed to be paid and levied by the said former acts, or either of them, (over and above all penalties and forfeitures thereby inflicted), for all monies which shall at any time or times, after the said twenty-fourth day of June, one thousand seven hundred and forty-five, be given, paid, contracted, or agreed for, with or in relation to every such clerk, apprentice, or servant; which said penalties and forfeitures, directed to be levied by this present act, shall be paid by the said masters or mistresses respectively, and shall be recovered, paid, and applied, in such and the same manner as any penalties and forfeitures inflicted by the said former acts, or either of them, are thereby directed to be recovered, levied, paid, or applied.

How to be
recovered.

Encourage-
ment to

XXV. And it is hereby further enacted, That if any master or mistress of any such clerk, apprentice, or servant respect

y, shall neglect to pay the said rates and duties so charged by the said former acts, or either of them, within the respective times therein limited in that behalf, whereby the duties or forfeitures incurred by virtue of this act, will be charged upon, and be payable by them respectively; any such clerk, apprentice, or servant respectively, shall, do in that case pay, or cause to be paid, the rates and fees charged by the said former acts, or either of them: also the penalties and forfeitures inflicted and incurred by this present act, at any time within one year after the he shall so respectively become charged, incurred, and be payable by virtue of this act, as aforesaid (such master or mistress not having then paid the said rates, duties, penalties, and forfeitures respectively, although required by such clerk, apprentice, or servant, so to do), then and in such case, it shall and may be lawful to and for any such clerk, apprentice, or servant, within three months after such payment of the said rates, duties, penalties, and forfeitures respectively, by him, her, or them, as aforesaid, to demand of or her master or mistress, or his, her, or their executors or administrators, such sum or sums of money, as was or is paid to such master or mistress, for or in respect of his clerkship, apprenticeship, or servitude; and in case the sum or sums of money shall not be paid within three months after such demand thereof made, it shall and may be lawful to and for any such clerk, apprentice, or servant, to sue for and recover the same, with full costs of suit, against his master or mistress, his, her, or their executors or administrators, by action of debt, bill, plaint, or information, in any of His Majesty's courts of record at Westminster, wherein no essoin, protection, wager of law, or more than a imparlance shall be allowed; and every such clerk, apprentice, or servant, shall and may immediately after payment of such rates, duties, penalties, and forfeitures as aforesaid, be discharged from his, her, or their clerkship, apprenticeship, and service respectively; and from all actions, penalties, forfeitures and damages, for not serving the time in which he, she, or they were respectively bound, contracted for, or agreed to serve such master or mistress respectively.

clerks, apprentices, &c. to pay the duties on indentures, if not paid by masters, &c.

XXVI. Provided always, and it is hereby further enacted and declared, That every such clerk, apprentice, or servant, shall avail him or herself, and have such and the same benefit and advantage of the time he or she shall respectively have continued with, and served such master or mistress respectively, as he or she could or might have done, in case of any assignment or turning over to any new or other master or mistress.

Such clerks, &c. to have the same benefit as any cases of turning over.

[20 Geo. 2. c. 19.]

*An Act for the better adjusting and more easy Re-
 Wages of certain Servants; and for the better Re-
 such Servants, and of certain Apprentices.*

Preamble.

"Whereas the laws now in being, for the better of servants, and for the payment of wages to them, tificers, handicraftsmen, and labourers, are insu- defective :'' for remedy whereof, be it enacted by most excellent Majesty, by and with the advice and the lords spiritual and temporal, and commons, in sent parliament assembled, and by the authority of That, from and after the twenty-fifth day of Ma will be in the year of our Lord one thousand seven and forty seven, all complaints, differences, and which shall happen or arise between masters and : and servants in husbandry, who shall be hired for o longer, or which shall happen or arise between m mistresses, and artificers, handicraftsmen, miners keelmen, pitmen, glassmen, potters, and other labo- employed for any certain time, or in any other manne heard and determined by one or more justice or jus- peace, of the county, riding, city, liberty, town cor- place, where such master or mistress shall inhabit no rate or assesment of wages has been made that y justices of the peace for the shire, riding, or liberty mayor, bailiffs, or other head officer, where such : shall be made, or where such differences or disputes : which said justice or justices is and are hereby im- examine upon oath, any such servant, artificer, h- man, miner, collier, keelman, pitman, glassman, other labourer, or any other witness or witnesses any such complaint, difference, or dispute, and to order for payment of so much wages, to such serv- cer, handicraftsman, miner, collier, keelman, pit- man, potter, or other labourer, as to such justice : shall seem just and reasonable, provided that the su- tion do not exceed ten pounds with regard to any se- five pounds with regard to any artificer, handicraft- ner, collier, keelman, pitman, glassman, potter, or and in case of refusal or non-payment of any sums s by the space of one-and-twenty days next after such- nation, such justice and justices shall and may issu- and their warrant to levy the same by distress and

Differences
 between mas-
 ters and cer-
 tain servants
 to be deter-
 mined by a
 justice of the
 peace where
 the master
 resides. See
 31 Geo. 2. c.
 11. s. 3.

Justices to
 examine ser-
 vants, &c.
 upon oath,
 and make or-
 der for pay-
 ment of
 wages due, if
 under a cer-
 tain sum.

(On nonpay-
 ment, to be
 levied by dis-
 tress and
 sale.

chattels of such master, or mistress, or person em-
h artificer, handicraftsman, miner, collier, keelman,
assman, potter, or other labourer, rendering the
the owners, after payment of the charges of such
d sale.

be it further enacted by the authority aforesaid, Justices to
all and may be lawful to and for such justice or jus- hear masters'
application or complaint made, upon oath, by any complaints,
istress, or employer, against any such servant, on oath;
ndicraftsman, miner, collier, keelman, pitman,
potter, or labourer, touching or concerning any
or, miscarriage, or ill behaviour, in such his or
e or employment (which oath such justice or just-
are hereby empowered to administer) to hear,
and determine the same; and to punish the offender and to punish
tment to the house of correction, there to remain the offender,
rected, and held to hard labour for a reasonable by commit-
exceeding one calendar month, or otherwise by ment, abate-
me part of his or her wages, or by discharging such ment of
rtificer, handicraftsman, miner, collier, keelman, wages, or dis-
lassman, potter, or labourer, from his, her, or their mission.
employment; and in like manner also it shall
wful to and for such justice or justices, upon any
or application, upon oath, by any such servant, and Justices to
andicraftsman, miner, collier, keelman, pitman, hear servants
potter, or other labourer, against such master, complaints
or employer, touching or concerning any misuse, on oath,
necessary provision, cruelty, or other ill treatment
towards such servant, artificer, handicraftsman, mi-
r, keelman, pitman, glassman, potter, or other la-
ad to summon such master, mistress, or employer, and to sum-
before such justice or justices, at a reasonable time mon the
ixed in such summons; and such justice or justices master, &c.
may examine into the matter of such complaint,
uch master, mistress, or employer shall appear or
of being made, upon oath, of his or her being duly
d; and upon proof thereof made, upon oath, to his
satisfaction, to discharge such servant, artificer, and upon
taman, miner, collier, keelman, pitman, glassman, satisfactory
r other labourer, of and from his said service and proof, to dis-
ent; which discharge shall be given under the hand charge the
and hands and seals of such justice or justices *gratis*. servant.

nd be it further enacted by the authority aforesaid, Justices, up-
shall and may be lawful to and for any two or more on complaint
ices, upon any complaint or application by any ap- of certain
put out by the parish, or any other apprentice, upon apprentices,

whose binding out no larger a sum than five pounds *British* money was paid, touching or concerning any refusal of necessary provision, cruelty, or other ill use of or towards such apprentice, by his or her master, to summon such master or mistress to appear before justices, at a reasonable time to be named in such writ, and such justices shall and may examine into the truth of such complaint; and upon proof thereof made, upon their satisfaction (whether the master or mistress or not, if service of the summons be also, upon oath or the said justices may discharge such apprentice, or certificate under their hands and seals; for which writ or certificate no fees shall be paid.

Justices, upon complaint of masters against apprentices, IV. And be it further enacted by the authority of the said Parliament, That it shall and may be lawful to and for such justice of the peace, upon application or complaint made, upon oath, by any master or mistress, against any such apprentice, touching or concerning any misdemeanor, miscarriage, or ill behaviour, or her service (which oath such justices are hereunto directed to administer) to hear, examine, and determine, and to punish the offender by commitment to the house of correction, there to remain and be corrected, and to be put to labour, for a reasonable time, not exceeding one month, or otherwise by discharging such apprentice, and form before mentioned.

Persons aggrieved may appeal. V. Provided nevertheless, That if any person shall think himself, herself, or themselves aggrieved by any determination, order, or warrant of such justice of the peace aforesaid (save and except any order of commitment or they may appeal to the next general quarter session to be held for the county, riding, liberty, corporate, or place where such determination or order shall be made; which said next general quarter session shall be empowered to hear and finally determine the same, and award such costs to any of the respective parties plaintiff or respondent, as the said sessions shall judge proper, not exceeding forty shillings; the same to be levied and sale, in manner before mentioned.

Writ of certiorari not issuable. VI. Provided also, and be it further enacted by the authority aforesaid, That no writ of *certiorari*, or other writ shall issue or be issuable to remove any proceeding, had in pursuance of this act, into any of his Majesty's courts of record at *Westminster*.

Stannaries of Devon and VII. Provided always, That nothing in this act

shall extend to the stannaries in the counties of *Devon* and *Cornwall* not included in this act.

[20 Geo. 2. c. 45. s. 5, 6, 7, & 8.]

An Act to give further Time for the Payment of Duties omitted to be paid for the Indentures or Contracts of Clerks and Apprentices, and for better securing the Payment of the said Duties.

V. And it is hereby further enacted, That from and after the twenty-fourth day of *June*, one thousand seven hundred and forty-seven, if any master or mistress, who by reason of such neglect as aforesaid, shall become liable to forfeit and pay the said double rates and duties as aforesaid, shall respectively pay the said double rates and duties unto the person or persons to whom the same ought to be paid in pursuance of the said former acts, and also tender the indentures or contracts to be stamped at any time within two years after the end or determination of the apprenticeship or service of any such clerk, apprentice, or servant respectively, and before any suit or prosecution shall have been commenced for recovering any of the penalties and forfeitures inflicted and incurred by the said former acts, or any of them, then, and in each case, the indentures or contracts of such clerk, apprentice, or servant respectively, shall be good and available in law and equity, and may be given in evidence in any court whatsoever; and the clerks, apprentices, or servants therein named, shall be capable of following and exercising their respective intended trades or employments, as fully as if the rates and duties so omitted, had been duly paid within the respective times in the said former acts, or any of them, limited or appointed; and all and every person and persons, who shall have incurred any penalties by the omissions aforesaid, upon payment of such double rates or duties as aforesaid, within the respective times herein last before limited in that behalf, shall be, and they are hereby acquitted and discharged of and from the said penalties and forfeitures; any thing in the said former acts, or any of them, contained to the contrary notwithstanding.

Upon payment of double duties and tender of the contracts to be stamped within two years after the end of the apprenticeship, &c. the contracts to be good, &c.

Penalties incurred for omissions discharged upon payment of double duties.

VI. And it is hereby further enacted, That if any master or mistress shall, by reason of any such neglect as aforesaid, become liable to forfeit and pay such double rates and duties as aforesaid, and any such clerk, apprentice, or servant respectively shall and do, at any time after such forfeiture incurred, either in the presence of one or more credible witness or wit-

Apprentices, &c. paying the double duties, forfeited by their masters, &c.

To be reimbursed double the sum paid in respect of such apprenticeship, &c.

with costs;

and be discharged from their apprenticeship, if they require it;

and to have the same benefit of their service, as if they had been turned over.

Apprentices paying the

nesses, or by writing under the hand of such clerk, apprentice or servant respectively, signed in the presence of one or more credible witness or witnesses, require his or her master or mistress respectively to pay the said double rates or duties incurred as aforesaid, and such master or mistress shall within three months after such request, pay the same, a such clerk, apprentice, or servant shall at any time two years after the determination of his clerkship, apprenticeship, or servitude, pay the said double rates and duties forfeited and incurred, and not paid by his or her master or mistress respectively as aforesaid, then, and in such case, it may be lawful to and for any such clerk, apprentice or servant, within three months after such payment of the said double rates and duties by him, her, or them, as aforesaid, demand of his or her master or mistress, or his, her, or executors or administrators, double the sum or sums of money or other consideration respectively given, paid, and agreed to be contracted to be paid to such master or mistress, in respect of such clerkship, apprenticeship, or servitude; in case such sum or sums of money shall not be paid three months after such demand thereof made, it shall be lawful to and for any such clerk, apprentice, or servant, to sue for and recover the same, with full costs against such master or mistress, his, her, or their executors or administrators, by action of debt, bill, plaint, or indictment, in any of his majesty's courts of record at Westminster wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; and every such clerk, apprentice, or servant, so paying such double rates or duties as aforesaid, shall and may, immediately after payment thereof respectively, and upon signifying, by writing under his hand, that he or she desires to be discharged from his, her, or their clerkship, apprenticeship, and service respectively be accordingly discharged from the same respectively from all actions, penalties, forfeitures, and damages, for serving the time for which he, she, or they were respectively bound, contracted for, or agreed to serve such master or mistress respectively.

VII. Provided always, and it is hereby further enacted, That every such clerk, apprentice, or servant shall avail him or herself, and have such and the same benefit and advantage of the time he or she shall respectively have served with and served such master or mistress respectively, as he or she could or might have done, in case of any assignment or turning over to any new or other master or mistress.

VIII. Provided always, That in case where any person

enced against any master or mistress, for re- double rates
the penalties and forfeitures inflicted and incur- where prose-
d former acts, or any of them, the clerk, appren- cutions are
nt of such master or mistress respectively, shall commenced
le rates and duties, at any time within two years against their
of his, her, or their clerkship, apprenticeship, or masters, to
d every such clerk, apprentice, or servant res- be qualified
ll, upon payment of such double rates and duties to follow
be capable and qualified to follow and exercise their trades,
heir respective trades and employments; and the &c.
contracts of such clerk, apprentice, and servant
shall be good and available in law and equity,
even in evidence in any court whatsoever: any
or the said former acts, or any of them, contained
y notwithstanding.

[24 Geo. 2. c. 44.]

*For rendering Justices of the Peace more safe in the
of their Office; and for indemnifying Constables and
in Obedience to their Warrants.*

justices of the peace are discouraged in the ex-
their office by vexatious actions brought against
y reason of small and involuntary errors in their
and whereas it is necessary that they should be,
consistent with justice, and the safety and
subjects over whom their authority extends)
in the execution of the said office and trust:
it is also necessary that the subjects should be
n all wilful and oppressive abuse of the several
utes committed to the care and execution of
ces of the peace;" Be it enacted by the King's
it Majesty, by and with the advice and consent
spiritual and temporal, and commons in this
ament assembled, and by the authority of the
rom and after the twenty-fourth day of June, No writ to be
seven hundred and fifty-one, no writ shall be sued against
nst, nor any copy of any process, at the suit of any justice
all be served on any justice of the peace for any for what he
done in the execution of his office, until notice shall do in
f such intended writ or process shall have been the execution
him, or left at the usual place of his abode, by of his office,
or agent for the party who intends to sue or till notice
ne to be sued out or served, at least one calen- given him;

dar month before the suing out or serving the s which notice shall be clearly and explicitly conta cause of action which such party hath or claimeth against such justice of the peace; on the back of whic shall be indorsed the name of such attorney or ag gether with the place of his abode, who shall be en have the fee of twenty shillings for the preparing and such notice, and no more.

he may ten-
der amends;

and plead the
same in bar,
&c.

II. And be it further enacted, That it shall and lawful to and for such justice of the peace, at a within one calendar month after such notice given a said, to tender amends to the party complaining, or her agent or attorney; and in case the same is not a to plead such tender in bar to any action to be against him, grounded on such writ or process, toget the plea of not guilty, and any other plea with the the court; and if upon issue joined thereon the jury s the amends so tendered to have been sufficient, t shall give a verdict for the defendant; and in such in case the plaintiff shall become nonsuit, or shall tinue his or her action, or in case judgment shall l for such defendant or defendants upon demurrer, s tice shall be entitled to the like costs as he would b entitled unto in case he had pleaded the general iss and if upon issue so joined the jury shall find that nc were tendered, or that the same were not sufficient, against the defendant or defendants on such other pleas, then they shall give a verdict for the plaintiff, damages as they shall think proper, which he or recover, together with his or her costs of suit.

Plaintiff not
to recover
without proof
of such no-
tice.

III. And be it further enacted, That no such plain recover any verdict against such justice in any ca the action shall be grounded on any act of the defen justice of the peace, unless it is proved upon the trial action that such notice was given as aforesaid; bu fault thereof such justice shall recover a verdict and aforesaid.

Justice may
pay into
court, before
issue joined,
such sum as
he shall
think fit.

IV. And be it further enacted by the authority al That in case such justice shall neglect to tender any or shall have tendered insufficient amends, before th brought, it shall and may be lawful for him, by leav court where such action shall depend, at any time issue joined, to pay into court such sum of money as see fit; whereupon such proceedings, orders, and ju shall be had, made, and given in and by such cou

where the defendant is allowed to pay money

it further enacted, That no evidence shall be given by the plaintiff on the trial of any such cause, of any cause of action, except such as is hereby notice hereby directed to be given.

Evidence not to be given of any cause, but such as is contained in the notice.

it further enacted by the authority aforesaid, that after the said twenty-fourth day of *June*, one thousand and fifty-one, no action shall be brought against any constable, headborough, or other officer, or person or persons acting by his order and in any thing done in obedience to any warrant under seal of any justice of the peace, until demand made or left at the usual place of his abode, by parties intending to bring such action, or by his attorney or agent, in writing, signed by the same, of the perusal and copy of such the same hath been refused or neglected for the days after such demand; and in case after such compliance therewith, by shewing the said warrant, permitting a copy to be taken thereof by the same, any action shall be brought against any constable, headborough, or other officer, or person or persons acting in his aid for any such cause, without making the justice or justices or sealed the said warrant, defendant or defendants producing and proving such warrant at the action, the jury shall give their verdict for the defendants, notwithstanding any defect of such justice or justices; and if such action be brought against such justice or justices, and also constable, headborough, or other officer, or persons acting in his or their aid as aforesaid, then such warrant the jury shall find for such constable, headborough, or other officer, and for such person or persons acting as aforesaid, notwithstanding such defect as aforesaid; and if the verdict shall be for the justice or justices, that in such case the plaintiff shall recover his, her, or their costs or them, to be taxed in such manner by the court, as to include such costs as such plaintiff or defendant is liable to pay to such defendant or defendants for such action; and if the verdict shall be for the plaintiff, the costs shall be found as aforesaid.

Action not to be brought against any constable acting in obedience to Justices' warrant, till demand made of the copy of the warrant, and refusal thereof, &c.

And it is enacted, That where the plaintiff in any such action shall obtain a verdict, the judge shall certify the

Where the judge shall certify the

cause of action was wilfully committed, plaintiff to recover double costs.

in case the judge before whom the cause shall be tried shall in open court certify on the back of the record that the jury for which such action was brought was wilfully and maliciously committed, the plaintiff shall be entitled to have and receive double costs of suit.

Limitation of actions.

VIII. Provided also, and be it enacted by the authority aforesaid, That no action shall be brought against any justice of the peace for any thing done in the execution of his office or against any constable, headborough, or other officer or person acting as aforesaid, unless commenced within twelve calendar months after the act committed.

[26 Geo. 2. c. 27.]

An Act to confirm certain Acts and Orders made by Justices of the Peace being of the Quorum, notwithstanding any Defect therein not expressing therein that such Justices of the Peace are of the Quorum.

“Whereas authority is given by divers acts of parliament to two or more justices of the peace, whereof one or more to be of the *quorum*: And whereas divers acts, orders, adjudications, warrants, confirmations of indentures, and other instruments done, made, and executed, by two or more justices of the peace, without expressing that they are, or that one of them is, of the *quorum*, have been, and may be, for the reason only impeached, set aside, and vacated;” Be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of June, in the year one thousand seven hundred and fifty-three, no act, order, adjudication, warrant, indenture of apprenticeship, or other instrument already made, done, or executed, or hereafter to be made, done, or executed, by two or more justices of the peace, which doth not express that one or more of the justices is or are of the *quorum*, shall be impeached, set aside, or vacated, for that defect only; any law, statute, or usage to the contrary notwithstanding.

No act or order of two or more justices to be vacated for defect only, in not expressing that one or more of such justices are of the quorum.

[27 Geo. 2. c. 20. s. 1, 2.]

*the more easy and effectual proceeding upon Distresses
be made by Warrants of Justices of the Peace.*

as by many acts of parliament, justices of the
impowered to issue warrants for the distress and
goods and chattels, but the charges of distraining,
and sale of such goods and chattels are not provided
in the said acts, nor is there a time in all cases limited
thereof, whereby inconveniences have arisen ;”

for remedy thereof, be it enacted by the King's
present Majesty, by and with the advice and consent
of the lords spiritual and temporal, and commons, in this
parliament assembled, and by the authority of the
said lords and commons, in full session, that in all cases where any justice or justices of the
peace are, or shall be, required or impowered by any
act of parliament now in force, or hereafter to be
made, to issue a warrant of distress for the levying of any
sum of money directed to be paid, by
virtue of such act or acts, it shall and may be
lawful for the justice or justices granting such warrant, there-
upon to direct the goods and chattels so to be dis-
tressed, to be sold and disposed of, within a certain time to
be limited in such warrant, so as such time be not less than
four nor more than eight days, unless the penalty or
sum of money for which such distress shall be made, together
with the reasonable charges of taking and keeping such dis-
tress, shall be sooner paid.

Justices to
limit in their
warrants of
distress the
time for sale
of the dis-
tress,

and direct the goods and chattels so to be dis-
tressed, to be sold and disposed of, within a certain time to
be limited in such warrant, so as such time be not less than
four nor more than eight days, unless the penalty or
sum of money for which such distress shall be made, together
with the reasonable charges of taking and keeping such dis-
tress, shall be sooner paid.

not less than
4, nor more
than 8 days.

And be it further enacted, That the officer making such
distress, shall and is hereby empowered to deduct the reason-
able charges of taking, keeping, and selling such distress,
and the money arising by such sale ; and the overplus (if
any) of such charges, and also the said penalty or sum of
money, shall be fully satisfied and paid, shall be returned on
demand of the owner of the goods and chattels so distrained ;
and every officer executing such warrant, if required, shall show
to the person whose goods and chattels are distrained,
a copy thereof to be taken.

Officer to de-
duct the
charges of
keeping and
selling.

Overplus to
be returned,

[31 Geo. 2. c. 11.]

An Act to amend an Act made in the Third Year of the King William and Queen Mary, intituled, An Act for a better Explanation and supplying the Defects of the Laws for the Settlement of the Poor, so far as it relates to Apprentices gaining a Settlement by Indenture, also to empower Justices of the Peace to determine between Masters and Mistresses, and their Servants and Apprentices, touching their Wages, though such Servants or Apprentices be less Time than a Year.

Person bound
apprentice by
deed, &c.
though not
indentured, be-
ing first duly
stamped, is
intituled to a
settlement
where ap-
prenticed.

“Whereas by an act made in the third year of King William and Queen Mary, intituled, *An Act for a better explanation, and supplying the defects of the form the settlement of the poor*, it is enacted, That if any person be bound an apprentice by indenture, and inhabit in any town or parish, such binding and inhabitation shall be a good settlement; and whereas since the making the great numbers of persons have been unwarily bound apprentices by certain deeds, writings, or contracts, not by which binding many of them have suffered great damage, on account of their having been refused a residence in such town or parish, where they have been so bound forty days, and have been removed to the place where their last legal settlement was before apprenticeship, where they have had no encouragement to exercise their trades, or opportunity to gain a livelihood in said trades, to which they were so bound apprentices, relief therefore of such apprentices, and for prevent like mischief for the future, be it enacted by the King's excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this parliament assembled, and by the authority of the same, that no person who shall have been bound an apprentice shall hereafter be bound an apprentice, by any deed or contract, not indented, being first legally stamped, shall be liable to be removed from the town, parish, where he or she shall have been so bound an apprentice, resident forty days, by virtue of any order of removal by two justices of the peace, of any county, riding, city, borough, town corporate, or place; or of any order of the justices at their general or quarterly sessions, by reason or on account of such deed, writing, or contract, not being indented only.

led nevertheless, That nothing hereinbefore extended, or be construed to extend, to set aside or any judgment, order, or decree, which shall have as aforesaid, before the first day of May, one ven hundred and fifty-eight.

Judgment, &c. to the contrary made before 1st May, 1788, not to be avoided hereby.

Act 20 Geo. 2.

And whereas by an act passed in the twentieth year of Majesty's reign, intituled, *An act for the better and more easy recovery of the wages of certain servants, better regulation of such servants, and of certain apprentices* is enacted, That from and after the twenty-fifth day of May, one thousand seven hundred and forty-seven, all differences, and disputes, which shall arise between masters and mistresses, and artificers, men, miners, colliers, keelmen, pitmen, glassmen, and other labourers, employed for any certain time, in what manner, shall be heard or determined by one justice or justices of the peace, for the place where the master or mistress shall inhabit; and whereas doubts arise whether the words any labourers employed for any time, or in any other manner, extend to servants hired for a less time than one year: For obviating said doubts, be it enacted by the authority aforesaid, that the said act, and all and every clause and matter contained, shall, from and after the said first day of May, one thousand seven hundred and fifty-eight, be deemed and extended to all servants employed in husbandry, and for a less time than one year: any thing in the said act of the twentieth year of his present Majesty's contrary to any other act contained to the contrary notwithstanding.

Recited act extended to servants employed in husbandry, though hired for a less time than a year.

[3 Geo. 3. c. 8.]

enable such Officers, Mariners, and Soldiers, as have been in the Land or Sea Service, or in the Marines, since the second Year of his late Majesty King George the Second, to exercise Trades.

And whereas there hath been, and are, divers officers, mariners, and marines, who have served His late Majesty, or his present Majesty, in the late wars by sea and land, of which are men that used trades, others that are enticed to trades who had not served out their

Preamble.

5 Eliz.

Officers, mariners, soldiers, and marines, who have been at any time employed in the King's service since 29th Nov. 1748, and have not since deserted, and also the wives and children of such, are authorized to set up and exercise trades within any parts of Great Britain or Ireland, without let; and without being liable to be removed from thence to their last place of settlement, until they become actually chargeable to the parish;

and if sued, upon pleading the general issue, they shall be acquitted,

times, and others, who by their own industry, have made themselves apt and fit for trades: many of which, being now ended, would willingly employ themselves in trades which they were formerly accustomed to, though they are apt or able to follow and make use of, for their living by their own labour, but are or may be prevented from exercising those trades in certain cities and towns, and other places within this kingdom, by certain by-laws and customs of those places, and of the same made in the fifth year of queen *Elizabeth*, prohibiting the use of certain trades by any person who hath not served an apprenticeship to such trade for the space of seven years, and remedy whereof be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all such officers, mariners, soldiers, and marines, who have been at any time employed in the service of His late Majesty or of His present Majesty, since the twenty-ninth of *November*, in the year of our Lord one thousand seven hundred and forty-eight, and have not since deserted service; and also the wives and children of such mariners, soldiers, and marines, may set up and exercise such trades as they are apt and able for, in any town or village within the kingdoms of *Great Britain* and *Ireland*, without any let, suit, or molestation, of any person or persons, nor soever, for or by reason of the using of such trade; and that such officers, mariners, soldiers, or marines, or their wives or children, during the time they shall exercise such trades, shall be removeable from such respective place or places, where they shall be, or their last legal place of settlement, by virtue of any law now in being relative to the settlement of the poor, and that such person or persons shall become actually chargeable to such parish or place; and if any such officer or mariner or mariners, soldier or soldiers, marine or marines, or the wife or child of any such officer, mariner, soldier, or marine, who shall be sued, impleaded, or indicted in a court of law, within this kingdom, for using or exercising such trades as aforesaid, then the said officer or mariner or mariners, soldier or soldiers, marine or marines, or any wife or child of any such officer, mariner, soldier, or marine, making it appear to the same court where he or she is so sued, impleaded, or indicted, that they have served his late or present Majesty as aforesaid, or that he, she, or it is or are the wife or wives, child or children, of such officer, mariner or mariners, soldier or soldiers, or marines, who shall have so served his late or present Majesty, shall, upon the general issue pleaded, be found

any plaint, bill, information, or indictment, exhaust them; and such persons who notwithstanding all prosecute the said suit, by bill, plaint, information, or indictment, and shall have a verdict passed against some nonsuit therein, or discontinue their said suit, or persons shall pay unto such officer or officers, mariners, soldier or soldiers, marine or marines, or child of such officer, mariner, soldier, or respectively, double costs of suit, to be recovered as costs at common law may be recovered: and all jurors, before whom any such suit, information, or indictment, shall be brought, and all other persons whatsover, shall take notice of this present act, and shall conform themselves thereto; any statute, law, ordinance, custom, or provision, to the contrary in any wise notwithstanding.

and be paid double costs of suit.

be it further enacted by the authority aforesaid, that it shall and may be lawful for any two or more justices of the peace for the county, town, or place, where any such officer, mariner, soldier, or marine, shall set up and exercise such trade as aforesaid, to cause such officer, mariner, soldier, or marine, to be summoned before them in the town or place where they shall so set up, shall summon them to give evidence as to the place of their last legal settlement (which place shall be the place of their last legal settlement), and to make oath accordingly; and such justices are hereby required to give an attested copy whereof shall be given them, which shall be admitted as evidence at the quarter sessions; and if summoned again, they shall not be obliged to take a fresh oath, but produce the former, or leave a copy thereof.

Where any two justices for the county or place where they shall so set up, shall summon them to give evidence as to the place of their last legal settlement, they shall make oath accordingly; an attested copy whereof shall be given them, which shall be admitted as evidence at the quarter sessions;

such justices are hereby required to give an attested copy whereof shall be given them, which shall be admitted as evidence at the quarter sessions;

of such affidavit so made before them, to the king the same, in order that he may produce it in evidence as to such last legal settlement, before Majesty's justices of the peace at any general or quarter sessions of the peace.

Provided always, That in case any such officer, mariner, soldier, or marine, shall again be summoned to make oath, then on such attested copy of the oath by him or by any other taken being produced by him or by any other in his behalf, such officer, mariner, soldier, or marine, shall not be obliged to take any other or further oath, but shall leave a copy of his examination, if required.

Provided always, That this act shall not in any wise extend to the privileges of the universities of Cambridge and Oxford.

Privileges of the two universities.

veralties reserved.

bridge and Oxford, or either of them; or extend to liberty to any person to set up the trade of a vintner, sell any wine or other liquors within the said univ^{er}s without licence first had and obtained from the vice cellor of the same respectively.

[5 Geo. 3. c. 46. s. 18, 19, 41.]

An Act for altering the Stamp Duties upon Admissions into Corporations or Companies; and for further securing and increasing the Stamp Duties in Great Britain.

Clause in act
9 Anne.

XVIII. "And whereas by an act of parliament made in the ninth year of the reign of Her late Majesty Queen Anne intituled, *An Act for the laying certain duties upon candles certain rates upon monies to be given with clerks and apprentices towards raising Her Majesty's supply for the year one the seven hundred and ten*, the duty, rate, or sum of sixpence every twenty shillings of every sum of fifty pounds or more, and the duty, rate, or sum of one shilling, for every ten shillings, of all and every sum and sums amounting to more than fifty pounds, which should be given, paid, contract agreed for, with, or in relation to, every clerk, apprentice, servant, which should be, within the kingdom of Great Britain, put or placed to or with any master or mistress, to learn any profession, trade or employment, and proportionable greater or lesser sums, was charged and imposed on the masters or mistresses respectively; and whereas great inconveniences arise in collecting the said duties, for want of entries being made and kept by the chamberlain and proper officers of cities and corporate towns, and comp^o of the names of the master or mistress, and clerk, apprentice or servant; the place of abode of such master or mistress, the date of the indenture, covenant, articles, or contract the sum of money given, paid, contracted, or agreed for the profession, trade, or employment, which such clerk, apprentice, or servant, is to learn;" for remedying whereof it further enacted and declared by the authority aforesaid That from and after the said fifth day of July one the seven hundred and sixty-five, every chamberlain and proper officer of every city and corporate town, and cor^o within the kingdom of Great Britain, where any clerk, apprentice, or servant, obtains his freedom by servitude, shall fairly write and enter into some book or books to be kept for that purpose, the names of all such clerks, apprentices

Where the freedom of any city or company is obtained by servitude, the chamberlain, or other proper officer, is to enter the

ants, as shall be put or placed out within the jurisdiction of each city or town corporate, and also the names and places abode of the masters or mistresses, and the sums of money so paid, contracted, or agreed for, with, or in relation to, such clerks, apprentices, or servants, and the profession, trade, or employment, which they are respectively to learn; and the dates of the indentures, covenants, articles, or contracts, by which such clerks, apprentices, or servants, are respectively put and placed out; and if any chamberlain or other officer shall neglect or refuse to make any such entry, in the manner as above set forth, he shall, for every such offence, forfeit the sum of twenty pounds.

names of all persons put out clerks, apprentices, or servants, with the names and abode of the masters, the apprentice fees, and dates of the indentures, &c. on forfeiture of 20l.;

XIX. And be it further declared and enacted by the authority aforesaid, That all printed indentures, covenants, articles, or contracts, for binding clerks or apprentices in Great Britain, after the said fifth day of July, one thousand seven hundred and sixty-five, shall have the following notice or memorandum printed under the same; *videlicet*,

and the following notice to be printed under all printed indentures, &c.

Every indenture, covenant, article, or contract, must bear date the day it is executed, and what money or other thing is given or contracted for with the clerk or apprentice, must be inserted in words at length; and the duty paid to the stamp office, if in London, or within the weekly bills of mortality, within one month after the date of the indenture, and if in the country, and out of the said bills of mortality, within two months, to a distributor of the stamps, or his substitute; otherwise the indenture will be void, the master or mistress shall forfeit fifty pounds, and another penalty, and the apprentice shall be disabled to follow his trade or be made free.

The notice,

And if any printer, stationer, or other person or persons, shall sell or cause to be sold, any such indenture, covenant, article, or contract, without such notice or memorandum being printed under the same; then, and in every such case, such printer, stationer, or other person or persons, shall, for every such offence, forfeit the sum of ten pounds.

on forfeiture of 10l.

XLI. And be it further enacted by the authority aforesaid, That all penalties and forfeitures inflicted, imposed, or to incur, by this act, not hereinbefore otherwise disposed of, shall be paid, the one moiety thereof to His Majesty, his heirs and successors, and the other moiety thereof to the person or persons who shall inform or sue for the same, in any court or record, with his or their full costs of suit, by action of debt, bill, plaint, or information, wherein no essoin, vocation or wager of law, or any more than one imparlance all be allowed.

Distribution of the penalties and forfeitures not otherwise disposed of; to be recovered with full costs.

[6 Geo. 3. c. 25.]

An Act for better regulating Apprentices, and Persons working under Contract.

Justices empowered to oblige apprentice absents before the expiration of his apprenticeship, to serve for such term as he shall absent,

or to make satisfaction;

except as to apprentices paying 10*l.* fee;

“Whereas persons employed in several manufactories in this kingdom frequently take apprentices who are very young and, for several years of their apprenticeships, are rather burthen than otherwise to their masters; and whereas it frequently happens that such apprentices, when they might be expected to be useful to their masters, absent themselves from their service; and whereas the laws in being are not sufficient to prevent these inconveniences:” for remedy whereof, may please Your Majesty that it may be enacted, and be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and common in this present parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of June one thousand seven hundred and sixty-six, if any apprentice shall absent himself from his master’s service, before the term of his apprenticeship shall be expired, every such apprentice shall, at any time or times thereafter, whenever he shall be found, be compelled to serve his said master for so long a time as he shall have so absented himself from such service, unless he shall make satisfaction to his master for the loss he shall be sustained by his absence from his service; and so, from time to time, as often as any such apprentice shall, without leave from his master, absent himself from his service before the term of his contract shall be fulfilled; and in case any such apprentice shall refuse to serve as hereby required, or to make such satisfaction to his master, such master may complain, upon oath, to any justice of the peace of the county or place where he shall reside, which oath such justice is hereby empowered to administer, and to issue a warrant under his hand and seal for apprehending any such apprentice; and such justice, upon hearing the complaint, may determine what satisfaction shall be made to such master by such apprentice; and in case such apprentice shall not give security to make such satisfaction according to such determination, it shall and may be lawful for such justice to commit every such apprentice to the house of correction, for any time not exceeding three months.

II. Provided always, That nothing in this act contained shall extend to any apprentice, whose master shall have received with such apprentice the sum of ten pounds.

or where 7
years shall
have elapsed.

Justices empowered to grant warrants against artificers and others not fulfilling their contract, or being guilty of any misdemeanor: nor;

Persons ag-
grieved by
the order of a
justice, (ex-

cept in cases of commitment) may appeal; giving notice to the justice, and entering into recognizance, &c.

Justices at the quarter sessions empowered to determine the appeal, and award costs.

Limitation of this act with respect to the stannaries, and city of London.

ment, every such person may appeal to the next general sessions of the peace to be held for the county where such determination or order shall be made; a person giving six days' notice of his intention of bringing appeal, and of the cause and matter thereof, to such justice of the peace, and the parties concerned, and entering into cognizance within three days after such notice, before justice of the peace for such county or place, with surety, conditioned to try such appeal at, and abide the judgment of, and pay such costs as shall be awarded justices at such quarter sessions; which said justices said sessions, upon due proof of such notice being given of entering into such recognizance as aforesaid, shall hereby directed to proceed in, hear, and determine the matters of all such appeals: and shall give such costs to the parties appealing or appealed against, as their discretion shall judge proper and reasonable; and judgments and orders therein shall be final and conclusive to all parties concerned.

VI. Provided also, That nothing in this act contained shall extend to the stannaries in the counties of *Devon* and *Exeter*, or to impeach or lessen the jurisdiction of the chamberlain of the city of *London*, or of any other court within the same touching apprentices.

[7 Geo. 3. c. 21.]

An Act to obviate Inconveniences which may arise with the Execution of the several Acts of Parliament in such Boroughs, Towns Corporate, Franchises, and Liberties only one Justice of the Peace of the Quorum qualified within the same.

"Whereas authority is given by divers acts of parliament to two or more justices of the peace, whereof one is to be of the *quorum*: and whereas many inconveniences have arisen in such cities, boroughs, towns corporate, franchises, and liberties, as have only one justice of the peace of the *quorum*, qualified to act within the same: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this present act, all acts, orders, adjudications, warrant

Two or more justices, though not of the

apprenticeship, or other instruments, which shall be made, or executed, by virtue of any act or acts of parliament made or to be made, by two or more justices of the law, qualified to act within such cities, boroughs, towns, parishes, franchises, and liberties, though neither of the justices are of the *quorum*, shall be valid and effectual in all intents and purposes, as if one of the said justices was of the *quorum*: any law, statute, or usage, to the contrary notwithstanding.

quorum, empowered to carry certain acts into execution.

[9 Geo. 3. c. 37. s. 7.]

for preventing Parish Poor being paid in base or counterfeit Coin.

And be it further enacted, That if any churchwarden or overseer of any parish, township, or place, or other person charged or intrusted by them, or any of them, to make payments to or for the use of the poor within such parish, township, or place respectively, shall wilfully and knowingly, at any time from and after the twenty-fourth day of June, make any such payments, in any base or counterfeit money, or in any other than lawful money of Great Britain; and upon complaint thereof made to any justice of the peace for the county, riding, division, or place, wherein such offence shall be so made as aforesaid, it shall and may be lawful for such justice, and he is hereby required, to summon the churchwarden, overseer, or other person charged with the offence, and in a summary way, upon his or their appearance or confession, or upon proof of such offence by the oath of one or more credible witness or witnesses (which the said justice is hereby authorized to administer) to the party so offending to forfeit and pay for each offence a sum not less than ten shillings, nor more than twenty shillings; and to levy the same by distress and sale of the goods and chattels of such offender; rendering the balance, if any, to the owner, after the charges of such distress and sale shall be deducted; which sum shall be applied to the use of any poor person or person of such parish, township, or place respectively, in such manner as the justice of the peace, who shall adjudge such forfeiture, shall direct or

Churchwardens, overseers, or others, intrusted to make payments to or for the use of the poor, making the same in any other than lawful money,

forfeit not less than 10s. nor more than 20s. for every such offence; to be applied to the use of any of the poor of the parish.

[13 Geo. 3. c. 82.]

An Act for the better Regulation of Lying-in Hospitals, and other Places, appropriated for the charitable Reception of Pregnant Women; and also to provide for the Settlement of Bastard Children, born in such Hospitals and Places.

See also 13 G.
2. c. 29.

After Nov. 1,
1773, no hos-
pital to be
established
for the recep-
tion of preg-
nant women,
unless a li-
cence be ob-
tained;

which licence
the justices,
at their quar-
ter sessions,
are empower-
ed to grant.

“Whereas, through the humane and benevolent assistance of well-disposed persons, many hospitals and places have been established for the charitable reception of pregnant women, which have afforded great relief in times of the utmost distress, and therefore merit every due support and encouragement; but some inconveniences having been found to arise from the number of bastard children born in such hospitals and places which have become heavy burdens, and have occasioned unreasonable charges upon those parishes wherein such hospitals and places have been instituted, their great and unjust oppression;” and whereas it was intended, as well to promote the interest of such hospitals and places, as to give a seasonable relief to such parishes, a law was made to regulate the settlement of such bastard children, May it please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *November*, one thousand seven hundred and seventy-three, no hospital or place shall be established, used, or appropriated, or continue to be used or appropriated, for the public reception of pregnant women, under public or private support, regulation, and management, in any parish within that part of *Great Britain* called *England*, unless a licence shall be first had and obtained, in manner hereafter mentioned, from the justices of the peace, at some one of their general quarter sessions to be held for the county, riding, division, city, or corporation, wherein such hospital or place shall be situated; and such justices are hereby authorized and required to grant such licence to any person or persons who shall apply for the same, such person or persons paying the sum of forty shillings for every such licence to the clerk of the peace of such county, riding, or division, or to the town-clerk of such city or corporation, as a perquisite for his trouble, and as a fund to defray the expence of the stamp and parchment that shall be used for the grant of such licence.

. And be it further enacted, That every such licence shall be written on parchment, and stamped with a five shilling stamp; and a copy thereof shall be entered in a book to be kept for that purpose by such clerk of the peace, or town clerk, and preserved as a public register amongst the records of the county, riding, division, or of such city or corporation, as the case may be, to be inspected by any person or persons on payment of one shilling; and every such licence shall be signed by two or more such justices of the peace at their general quarter sessions, and shall entitle the person or persons to whom such licence shall be granted to keep one hospital, house, or place, and no more, for the public or charitable reception of pregnant women.

Every licence to be stamped with a 5s. stamp, and signed by the justices.

III. And be it further enacted, That as well all hospitals, houses, and places, already established, used, or appropriated, for the public reception of pregnant women, and supported by charitable contributions, or otherwise, for the purpose of the delivery or lying-in of such pregnant women, as all other hospitals, houses, or places, that may hereafter be established, used, and appropriated in like manner for the like purposes, shall be deemed and taken to be hospitals and places within the true intent and meaning of this

Hospitals now hereafter to be established for the reception of pregnant women, deemed within the intent of this act.

IV. And, that it may be the more easily known what hospitals, houses, or places, shall have been licensed pursuant to this act, be it enacted, That there shall be fixed and kept over the door, or public entrance, of every such hospital, house, or place, an inscription, in large letters, in the following words; *videlicet*, LICENCED FOR THE PUBLIC RECEPTION OF PREGNANT WOMEN, PURSUANT TO AN ACT OF PARLIAMENT, PASSED IN THE THIRTEENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD, and the affixing and keeping such inscription shall be a condition in every such licence; and in case such inscription shall not be fixed and kept over the door or public entrance of such hospital, house, or place, such licence shall become null and void.

Inscription to be affixed over the door of all hospitals.

V. And be it further enacted by the authority aforesaid, That no bastard child or children, born in any such hospital, house, or place as aforesaid, shall be legally settled in, or shall be entitled to any relief as a parishioner, from the parish wherein such hospital, house, or place shall be situated; but every such child or children shall follow the mother's settlement, and shall immediately gain a settlement in the parish or parishes respectively, where his, her,

Bastard children born in such hospitals not to be entitled to relief as parishioners.

or their mother or mothers were last legally a law, statute, usage, or custom to the contrary the wise notwithstanding.

On the removal of the mother or child, the churchwardens of the parish are to pay all expences.

VI. And be it further enacted by the authority That in case it shall become necessary to remove of the child so born a bastard, and the child bastard, or either of them, from the parish or place such hospital, house, or place, shall be situated, or place to which such woman shall belong, or shall have obtained her last legal settlement, such place being within twenty miles of such hospital place, to which she shall be so removed, shall be with, and liable to the payment of all charges a incident to or attending such removals; such expences to be allowed and settled by any justice of the peace, (who is and are hereby required settle the same,) in and for the county, riding, division, corporation, or place, in which the parish or place situated, to which such mother and child, or either shall be removed as aforesaid: and if such charges, after being allowed and settled as aforesaid demand thereof made in writing, directed to the churchwardens or overseers of the poor of the parish to which such mother and child, or either of them, shall be removed as aforesaid, shall not be paid within two days after demand, then, and in every such case, it shall and is made lawful to and for any one or more of His Majesty's justices of the peace in and for the county, riding, division, corporation, or place, in which the parish shall be situated, to which such mother and child, or either of them shall be removed, and he or they is and are hereby authorized to issue a warrant under his or their hand and seal, or hands and seals, to levy the same by distress and sale of the goods and chattels of the churchwardens or overseers of the poor in default of refusal as aforesaid, or on the goods and chattels of either of them.

Appeal may be made to quarter sessions by persons aggrieved,

VII. Provided always, and be it further enacted That any person or persons shall think himself or themselves aggrieved by such removal or distress had or made in pursuance of this act, every such person may at any next quarter session of the peace, to be holden for the county, riding, division, city, corporation, or place, in which he or they have suffered such grievance, within four months next after the fact done, by which he shall think himself so aggrieved, or such appellant first giving, or causing to be given, seven days' notice at the least, in writing, of the

of such appeal, and of the matter thereof, to the party or parties against whom such appeal is intended to be brought, within two days next after such notice given entering a recognizance, with two sufficient sureties, conditioned to try such appeal, and to abide the order of, and to pay such sum as shall be awarded by the justices at such quarter sessions; and the said justices shall then hear and determine the causes and matters of appeal in a summary way, and award such costs to the parties appealing or appealed against, as they the said justices shall think proper, and the determination of such justices so made shall be final, binding, and conclusive, to all intents and purposes whatsoever.

giving fourteen days' notice.

VIII. And be it further enacted, That all officers belonging to the parish wherein the mother of such child, so born a bastard, shall have been last legally settled, and all magistrates of county, riding, division, city, corporation, or place, wherein such parish shall be situated, shall have power and authority to apprehend the reputed father of any such bastard child, to take security for the indemnity of the parish, and to punish the parents, and to do every other matter or thing relative to each case of bastardy, in the same manner, and with the same powers, as such magistrates or officers might or would have done in case such child had been born in such parish or place; any law or statute to the contrary thereof in any wise notwithstanding.

Parish officers empowered to apprehend the father of any bastard.

IX. Provided always, That nothing in this act contained shall extend, or be construed to extend, to alter the law as it now stands relative to the settlement of any bastard child so born as aforesaid, in cases where the mother's settlement cannot be ascertained and determined.

Proviso.

X. And be it further enacted by the authority aforesaid, That the owner, keeper, governor, master, secretary, clerk, or other person, who shall have, or to whom shall be intrusted the care, conduct, or management, of such hospital, house, or place, shall, and he, she, or they, is and are hereby directed and required, before the admission of any pregnant woman into such hospital, house, or place, forthwith (unless prevented by sickness), to take, or cause to be taken, such woman before some justice of the peace in and for the county, riding, division, city, corporation, or place, where such hospital, house, or place, is situated, which justice is hereby directed and required to examine her upon oath, whether she is married or single: and in case such pregnant woman shall not be able, at the time of such admission, to go before such justice and be examined as aforesaid, that then and in every such case,

Owners or masters of hospitals to take the woman, before admitted, to be examined before a justice.

it shall and may be lawful to and for the said owner, governor, master, secretary, clerk, or other person, said, and he, she, or they, is and are hereby directed and required when and so soon as such woman shall be recovered, to take, or cause to be taken, such woman such justice, to be by him examined as aforesaid, statute, usage, or custom to the contrary thereof notwithstanding: and all and every the particular examination, taken upon oath as aforesaid, shall be in a book, to be provided and kept for that purpose by the owner, keeper, governor, master, secretary, clerk or other person, as aforesaid, and signed by the justice of the peace before whom such examination is taken, who is hereby required and required to sign the same.

If the woman produce an affidavit that she is married, or single,

she is not liable to go before the justice.

XI. Provided always, and be it enacted, That if a woman be admitted into such hospital, house, or place, she shall produce an affidavit, sworn by her before such justice of the peace for the city of *London*, or for the county, riding, division, or place, wherein such hospital, house, or place shall be situated, that she is a married or single woman, as the case may be, which affidavit shall be kept at every such hospital, house, or place: then, and in case, such woman shall not be liable or compelled to act to go before any justice of the peace, or to be examined on oath as to her marriage.

When any woman shall be delivered of a bastard, the owner of the hospital is to give four days' notice before she is discharged to the overseers.

XII. And be it further enacted, That if any woman be delivered of a bastard child in such hospital, house, or place, such owner, keeper, governor, master, secretary, clerk, or other person as aforesaid, shall, four days at the least before any such woman shall be discharged, give, or cause to be given, a personal notice, or notice in writing, of such discharge to be left at the usual place of abode of the overseers, churchwarden or churchwardens, of such parish or place wherein such hospital, house, or place shall be situated, and such overseer or overseers, churchwarden or churchwardens, or some or one of them, is and are hereby required, after such notice given, to attend at such hospital or place, within the time so notified as aforesaid, and shall convey every such woman before some justice of the peace, of the county, riding, division, city, or corporate place, where such birth or births shall happen, who shall examine every such woman upon oath relative to her settlement, and shall certify, in writing to such overseers or churchwarden, the whole of such examination, who shall cause the same to be deposited and kept amongst the papers belonging to such parish or place.

And be it further enacted, That if at any time such overseer attending, and being informed that such woman is not sufficiently recovered, shall wait till a further notice be given. or churchwarden shall, upon such attendance, be informed by such owner, keeper, governor, master, secretary, or other person, that any such woman is not sufficiently recovered, shall wait till a further notice be given. ed to be taken out and carried before such justice, such or churchwarden shall wait till a further notice shall, in manner, be given; and such notices, from time to time, be repeated as occasion may require; and every such owner and churchwarden who shall receive the same, is required to pay due attention thereto.

Provided always, and be it further enacted, That it may be lawful for every such owner, keeper, governor, secretary, clerk, or other person, to keep and detain such hospital, house, or place, every such woman so long as a bastard child, till she shall be adjudged in a fit condition to be discharged, &c. to be discharged, and until she shall have been examined before some justice of the peace, as aforesaid, with respect to the place of her last legal settlement.

Provided always, and be it further enacted, That in this act shall extend, to be construed to extend, no power or impower any person whatsoever to keep or detain such hospital, house, or place, any woman so long as a bastard child, for a longer time than six weeks after the birth of such child, unless it shall be done by her own consent. but not to extend to keep any woman longer than six weeks, without her consent.

And be it further enacted, That every such owner, governor, master, secretary, clerk, or other person, who shall wilfully neglect or refuse to comply with the directions of this act, shall forfeit and pay, for every neglect or refusal, the sum of fifty pounds; and every overseer or churchwarden who shall in like manner refuse to comply with the directions of this act, shall, for such neglect or refusal, forfeit and pay the sum of ten pounds; which penalties or forfeitures shall be recovered, with costs of suit, by action of debt, bill, plaint, or information in any of His Majesty's courts of record at Westminster; any person or persons who shall sue for the same; and the penalties and forfeitures, when recovered, shall be one moiety to the use of the poor of the parish where the same shall have been committed, and the other moiety to the person or persons who shall sue for and recover the same. Owners, governors, &c. not complying with the directions of this act to forfeit 50*l.*, and overseers, &c. neglecting or refusing, to forfeit 10*l.* How penalties may be recovered and applied.

And be it further enacted by the authority aforesaid, that no action or suit shall be commenced against any

General issue.

person or persons for any thing by him or them done or cutted in pursuance of this act, the defendant or defend in such action or suit, shall and may plead the general issue, and give this act, and the special matter, in evidence, at trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if afterw verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue her, on their action or prosecution, or judgment shall be against him, her, or them, upon demurrer, or otherwise; such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

Treble costs.

Actions when to be commenced.

XVIII. Provided always, That no such action or suit be brought by virtue and in pursuance of this act, unless the same be commenced within six calendar months after the offence committed.

Public act.

XIX. And be it further enacted, That this act shall be deemed a public act, and as such taken notice of by judges, justices, and other persons, without specially pleading the same.

[18 Geo. 3. c. 47.]

An Act to amend such part of an Act, made in the Forty-Year of the Reign of Queen Elizabeth, intituled, An Act for the Relief of the Poor, as relates to the binding of Apprentices.

Act 43 Eliz. recited.

“Whereas in and by an act, made in the forty-third year of the reign of Queen Elizabeth, intituled, *An act for the relief of the poor*, it was enacted, that it should be lawful for churchwardens and overseers therein mentioned, or the greater part of them, by the assent of any two justices of peace, to bind the children of all such parents who shall be thought able to keep and maintain their child to be apprentices, where they shall see convenient, till the said man-child shall come to the age of four-and-twenty years, and such woman-child to the age of one-and-twenty years, or day of marriage; and whereas it has been found by experience, that the said term respecting men-children is longer than is necessary, and that if such man-child was bound to be an apprentice only till he came to the age of one-and-twenty years,

the benefits intended by the said act would be pre-
 ie hardships brought on such parish apprentices, by
 1 of their apprenticeship, would be avoided, and the
 nony between master and apprentice would be bet-
 ained;" May it therefore please Your Majesty that
 enacted, and be it enacted by the King's most ex-
 a Majesty, by and with the advice and consent of the
 ritual and temporal, and commons, in this present
 at assembled, and by the authority of the same, That
 1 after the passing of this act, when any man-child
 ound to be an apprentice by virtue of and under the

of the said act, made in the forty-third year of
Elizabeth, such child shall be bound to be an appren-
 o longer term than till such child shall come to the
 enty-one years.

No child ap-
 prenticed by
 virtue of the
 recited act,
 to continue
 an apprentice
 after the age
 of 21. See
 32 G. 3. c. 57.

[20 Geo. 3. c. 36.]

*For obviating Doubts, touching the binding and receiving
 Children Apprentices, in pursuance of several Acts of
 ment made for the Relief of the Poor within particular
 rated Hundreds or Districts: and for ascertaining the
 vent of Bastard Children born in the Houses of Industry
 such Hundreds or Districts.*

Whereas several acts of parliament have of late years
 le and passed for the better relief and employment
 or, in particular incorporated hundreds or districts,
 at part of *Great Britain* called *England*, whereby
 given to bind poor children apprentices under certain
 ns therein mentioned; and whereas doubts have
 whether persons are compellable to receive and pro-
 such poor children as shall be appointed to be bound
 ces to them in pursuance of the said acts;" Be it
 : enacted by the King's most excellent Majesty, by
 1 the advice and consent of the lords spiritual and
 l, and commons, in this present parliament assem-
 d by the authority of the same, That from and after
 ity-fourth day of *June*, one thousand seven hundred
 ity, the respective persons to whom any poor children
 : appointed to be bound apprentices, in pursuance of
 or acts of parliament made and passed for the better
 id employment of the poor in any particular incorpo-
 undreds or districts, within that part of *Great Britain*
England, shall, and they are hereby required to receive

See 42 G. 3.
 c. 46. s. 8.

After June 24,
 1780, all per-
 sons to whom
 any children
 shall be ad-
 pointed to be
 bound, in
 pursuance of
 any act for
 relief of the
 poor in any

particular district, in England, shall be obliged to provide for them, &c.

Penalty on such persons neglecting to provide for such children.

May be levied by distress.

Appeal to the quarter sessions.

No person compellable to take a poor child apprentice, except he be an inhabitant, &c. of the parish. Bastards born in houses of industry to belong to the mother's parish.

and provide for such children, according to the indentures to be executed by the directors and acting guardians of the poor for such respective hundreds or districts, for the binding of such poor children, in like manner as persons are now obliged by the laws in being to receive and provide for poor children appointed to be bound apprentices by churchwardens and overseers of the poor, with the assent of two justices of the peace, and also to execute the counterpart of such indentures respectively; and if any person, to whom any poor child shall be appointed to be bound apprentice, in pursuance of any such act of parliament as aforesaid, shall refuse or neglect to receive and provide for such poor child, or to execute the counterpart of the indenture for binding such child as aforesaid, every person so refusing or neglecting, upon proof of such refusal or neglect being made, by the oath of one of the directors or acting guardians, or of some other credible witness, before any two justices of the peace acting in or for county, liberty, or place, within which the incorporated hundred or district to which such child belongs shall be situate, shall forfeit and pay to the directors and acting guardians of the poor for such incorporated hundred or district, or to their treasurer or appointee, to be applied to the relief of the poor within the same, the sum of ten pounds; such penalty or forfeiture to be levied by distress and sale of the goods of the person refusing or neglecting as aforesaid, by warrant under the hands and seals of such justices; saving always to the person, to whom any poor child shall be so appointed to be bound an apprentice, his or her appeal to the next general or quarter session of the peace for that county, liberty, or place, whose order therein shall be final.

II. Provided always, That nothing in this act contained shall be construed to compel any person to take any such poor child apprentice as aforesaid, unless such person shall be an inhabitant and occupier of lands, tenements, or hereditaments, in the parish to which such child belongs; and that all bastard children born or to be born in the house of industry within any such incorporated hundred or district, shall be deemed to belong to the parish or place where the mother of such bastard child was legally settled.

[22 Geo. 3. c. 83.]

for the better Relief and Employment of the Poor.

as notwithstanding the many laws now in being See 56 G. 3.
 relief and employment of the poor, and the great c. 123. s. 1.
 money raised for those purposes, their sufferings
 are nevertheless very grievous; and, by the
 negligence, or misconduct of overseers, the
 aid for the relief of the poor is frequently mis-
 d sometimes expended in defraying the charges
 as about settlements indiscreetly and unadvisedly
 ; and whereas by a clause in an act passed in the
 of the reign of King George the First, intituled,
the amendment of the laws relating to the settlement, Recital of 9
and relief of the poor, power is given to the church- G. 1. c. 7.
 d overseers in the manner therein mentioned, to
 r hire houses, and contract with any person for
 , keeping, maintaining, and employing the poor,
 the benefit of their work, labour, and service, for
 enance: and, where any parish, town, or town-
 d be found too small, to unite two or more for
 es, with the consent of the major part of the
 s or inhabitants, and the approbation of a justice
 which provisions, from the want of proper re-
 ad management in the poor-houses or workhouses
 een purchased or hired under the authority of the
 d for want of due inspection and controul over
 who have engaged in those contracts, have not
 ired effect, but the poor in many places, instead
 protection and relief, have been much oppressed
 for remedy of these grievances and inconvenien-
 i order to make better and more effectual pro-
 the relief and employment of the poor, and to
 prudent economy in the expenditure of the parish
 y it please Your Majesty that it may be enacted,
 enacted by the King's most excellent Majesty, by
 e advice and consent of the lords spiritual and
 nd commons, in this present parliament assem-
 y the authority of the same, That from and after
 y of *March*, which shall be in the year of our
 ousand seven hundred and eighty-three, so much
 clause as respects the maintaining or hiring out
 of the poor by contract within any parish, town-
 ce, which shall adopt the provisions of this act,

Part thereof
repealed.

shall be and is hereby repealed, and every contract made in pursuance thereof, for either of the purposes, shall become, and is hereby declared to be, and void.

visitors and guardians may make agreements or the diet and clothing, &c. of persons sent to the poor-house.

II. Provided nevertheless, and be it further enacted, it shall and may be lawful for the visitor and guardians, appointed as hereafter mentioned in any parish, township, or place, or parishes, townships, or places, which shall have adopted the provisions and complied with the requisites of this act, and shall have a visitor appointed, from time to time to make agreements with persons or persons for the diet or clothing of such persons who shall be sent to the house or houses to be provided under the authority of this act, and for the support and labour of such poor persons, so that no such agreement shall be made for any longer time than twelve months, and so that the same shall be, and every such agreement is hereby declared to be, under the strictest inspection and controul of the visitor, guardian, and governor of the poor-house, and also of the justices of the peace for the limit where such poor-house shall be; two of which justices upon proof of any abuse, shall have power to dissolve the contract.

Original recommendation. See 33 G. 3. c. 35. s. 1.

III. And be it further enacted, That whenever two or more parts, in number and value, according to the poor rate, the owners or occupiers of lands, tenements, or hereditaments, within any parish, township, or place, qualified hereafter mentioned, shall at any time after the passing of this act, at a public meeting to be holden pursuant to the directions of this act, signify their approbation of the provisions herein contained, and their desire to adopt them, the form contained in the schedule hereunto annexed, No. 1. and shall at such meeting nominate and recommend to the consideration of the justices of the peace of the county, riding, division, district, city, town, or place, where such meeting shall be holden, three able and discreet persons qualified for guardians of the poor for such parish, township, or place, and three other fit and proper persons qualified to be governors of the poor-house for such parish, township, or place, and fix the salaries to be paid to such guardian and governor respectively, and shall procure the consent and approbation of two justices of the peace acting for the limit, to such agreement and salaries by writing under their hands, in the forms contained in the schedule, No. II., shall cause such agreement to be registered pursuant to the direction of this act; every such parish, township, or place

l from that time be entitled to all the benefits, privileges, powers, authorities, and advantages which can arise or be derived from this act.

V. And be it further enacted, That where two third parts number and value as aforesaid, of the owners or occupiers lands, tenements, or hereditaments, within two or more parishes, townships, or places, so qualified as aforesaid, shall be fit, with such approbation as aforesaid, signified in like manner under the hands of two justices of the peace, and subscribed at the foot of the said agreement, in the form expressed in the said schedule, No. II. at the end of the form of the said agreement, to unite for the purposes of this act, and shall signify their inclination and desire so to do at a public meeting holden in each of such parishes, townships, and places, in a manner hereinbefore directed concerning a single parish, the form contained in the said schedule, No. III., an agreement shall, as soon as conveniently may be after such public meetings shall have been holden, be entered into by the guardians of the poor of every such parish, township, and place respectively, or the major part of them, in the form or to the effect set forth in the said schedule, No. IV. which agreement shall be binding upon the several parties; and every such agreement shall specify the place where such house or houses shall be situate, and the terms upon which such agreement is made, and shall be entered with the clerk of the peace, or town clerk of the county, city, town, or district, in which such parishes, townships, or places, shall be situate, and a copy thereof left with him within three calendar months after the time of making such agreement, in the form or to the effect mentioned in the said schedule, No. V. for which entry every such clerk shall receive one shilling, and no more; and from that time every such parish, township, and place, so agreed to be united, shall be entitled to all the benefits, privileges, powers, authorities, and advantages, which can arise or be derived from this act.

Two or more parishes may unite, with the approbation of two justices, for the purposes of this act.

V. Provided nevertheless, and be it further enacted, That no parish, township, hamlet, or place, which shall be situate more than ten miles from any poor-house or workhouse to be provided under the authority of this act, shall be permitted to be united, for the purposes aforesaid, with the parishes, townships, hamlets, and places which shall establish such poor-house or workhouse.

Parishes more than ten miles distant from the poor-house excluded.

VI. And be it further enacted, That the notice for every public meeting directed by this act, shall be given in the

Notice for meetings to be given in

the church,
&c.

church or chapel of every such parish, township, or place, at three successive *Sundays* before the time of such meeting, immediately after divine service, or on such of the said *Sundays* as service shall be performed there, and also fixed in writing on such church or chapel door, or if no church or chapel, in some public place within any such parish, township, or place, where notices of parish business have been usually given, at least ten days at least before the day to be appointed for such meeting, in the form or to the effect mentioned in the said schedule, No. VI.; and that no person shall vote at any parish meeting to be holden for the purposes of this act, unless he or she shall be the owner or occupier of lands, tenements, or hereditaments, which shall be assessed to the poor's rates, within such parish, township, or place, after the rate of five pence *per annum*, at the least; nor shall any such person vote as occupier, unless he or she shall be assessed or pay to such poor rates: Provided always, that in all parishes, townships, or places, wherein there shall not be ten persons possessed of the qualification aforesaid, it shall and may be lawful for every person who shall be assessed, or shall pay to such poor's rates, to vote at every such meeting.

Qualification
of voters.

Appoint-
ment.

See 23 G. 3.
c. 35. s. 2; 41
G. 3. c. 9. s.
1, 3.

VII. And be it further enacted, That it shall and may be lawful for two justices of the peace of the limit where any poor-house shall be, or be so agreed to be situated, and they are hereby required, as soon as conveniently may be after such agreement shall have been made as aforesaid, upon application to them by two or more of the persons who shall have signed such agreement, and upon producing the same to them, to appoint one of the persons so recommended to be guardian of the poor for each of such parishes, townships, and places, in the form contained in the said schedule, No. VII., or to that or to the like effect; and every such guardian shall attend the monthly meetings hereby directed to be holden, and execute the several powers and authorities given to guardians by this act, and shall have, and is hereby invested with, all the powers and authorities given to overseers of the poor by any other act or acts of parliament, and shall, to all intents and purposes, except with regard to the making and collecting of rates, be an overseer of the poor for the parish or township for which he shall be so appointed guardian, and shall be liable to such forfeitures and penalties for neglect of duty as overseers of the poor are made liable to by this or any other act of parliament; and all notices or applications directed by this or any other act of parliament to be given or made to the overseers of the poor, with respect to the care and management or removal of the poor, shall be given and made to the guardian of the

Duty and
powers of the
guardian.

any such guardian shall be appointed under the this act; but in case any orders of removal or happen, by mistake, to be given or sent to the or overseer, the same shall be as valid and efgiven to the guardian; and such churchwarden hall, and is hereby required forthwith to deliver the guardian, or shall forfeit forty shillings for his in all cases where such guardian of the poor nted as aforesaid, neither the churchwardens or he poor shall interfere or intermeddle in the care ent of the poor, but shall continue to have and ith the same powers of making and collecting they have at present, and shall be subject to the for neglect or misbehaviour in making and colates, as they were at the time of passing this act.

See 36 G. 3.
c. 10.

be it further enacted, That, from and after the of such guardian as aforesaid, one or more of the s or overseers of the poor of every parish, town- which shall adopt the provisions of this act, who oved at some public meeting to be holden as ll receive the money to be collected by virtue of tes, and apply the same in manner following;), if such parish, township, or place, shall not any other by virtue of this act, such church- rseer shall pay to the guardian of the poor such me to time, as he shall have occasion to employ es of discharging the bills, and all other neces- attending such house or houses, and the poor such parish, township, or place, and shall take such guardian for all the money so paid, expres- such receipt the purposes for which such money id if the said parish, township, or place, shall be y other parish, township, or place, by virtue of churchwarden or overseer shall pay, from time e treasurer of such united parishes, townships, ir due proportion and quota of the several ex- ing the poor and poor-house therein, under the according to the direction of this act, and take r such money; or if it shall be found more : shall permit such treasurer from time to time upon him for such money, in the form contain- schedule, No. VIII., and pay the same when lue, specifying in every such receipt and draft rposes for which such money is to be applied; nents so to be respectively made, shall be allow- churchwarden or overseer, in his accounts with wnship, or place, wherein such money shall be

Churchwar-
den or over-
seer to re-
ceive the
poor's rate.

How to be
applied.
See 41 G. 3.
c. 9, s. 2.

raised; and the accounts, as well of the said church overseer, as of the said guardian, shall be examined at the monthly meeting, and shall be examined and passed by the visitor of such poor-house, after they shall be verified upon oath before a justice of the peace.

Justices to
appoint a
governor of
each poor-
house.

IX. And be it further enacted, That it shall be lawful for two or more justices of the peace for wherein such poor-house shall be situate, and hereby required, as soon as conveniently may be, an agreement shall have been made as aforesaid, for the provisions of this act, either by a single parish, or by two or more parishes or townships, or by a nomination made to them by two or more of the justices, who shall have signed such agreement, and upon presentation of the same to them, to appoint one of the persons recommended for governor of such poor-house, (in the form contained in the said schedule, No. VII., or to that or the like) who shall have the care, management, and employment of the poor persons to be sent thither, and shall receive such salary or wages for his trouble as shall be agreed in the said agreement; and it shall and may be lawful for the visitor of such poor-house, with the consent of the justices, or the major part of them, or for two or more justices of the peace for such limit where a guardian shall be appointed, to remove the governor of such poor-house, upon sufficient proof of misbehaviour or incapacity, or neglect of his office.

Directions
for the ap-
pointment of
visitors.

X. And be it further enacted, That the guardians of the poor for the several parishes and townships which shall be so united as aforesaid, shall meet as soon as convenient after such agreement shall have been made, and shall choose or consider of three proper persons, respectable in character and fortune, fit to be put in nomination for the office of visitor of such poor-house; and two or more of such persons shall, as soon as conveniently may be after such agreement, apply to two justices of the peace acting for the parish or townships wherein such poor-house shall be, and produce to them the said agreement, and the names of the persons they shall desire to recommend; which justices shall, on or within three days after, appoint one of such persons recommended to be visitor, in the form contained in the said schedule, No. VII., or to that or the like; and if he shall refuse to accept that office, they shall then appoint the one other of the persons so named; and if he shall decline it, they shall appoint the third person named in the said schedule; and if he shall decline it, the guardians of the said

parishes, townships, and places, shall, and they are hereby required to serve that office monthly by rotation, subject to the control of the justices of the limit where such poor-house shall be; and every such visitor, if not a guardian, is hereby authorized to nominate some discreet and proper person to be his deputy or assistant, if he shall think fit, in the form contained in the said schedule, No. IX.; and every such deputy or assistant shall, in the absence of such visitor, and under his direction, act as inspector of the several matters committed to the care of the visitor, and shall make his report thereof, from time to time, to him, for his better information, and render him all the assistance in his power: And every visitor so to be appointed shall superintend every such house or houses, and settle and adjust the accounts between the said guardians of the poor, and the treasurer of each house, if any question or dispute shall arise respecting the same; and also shall settle and adjust all doubts and questions which may arise concerning the persons which ought to be sent to such house or houses, according to the intention of this act, and by every prudent means in his power enforce and promote the rules, orders, regulations, directions, and provisions established, enacted, and formed by and under this act, for the better accommodation and relief of the poor, and the preventing all unnecessary expences and burthens on the said parishes, townships, and places: And every such governor, guardian, and treasurer, is hereby required to observe and obey the directions which he shall from time to time receive from the visitor so to be appointed touching the several matters aforesaid: And, where any act shall be required to be done by a justice of peace, such visitor, if not a justice, or his deputy or assistant, shall apply to some neighbouring magistrate to do the same: And every person to be nominated or appointed visitor or deputy visitor as aforesaid, as an inducement to his undertaking and executing that office, shall be freed and discharged from serving the office of constable, and all parochial offices, and also from serving upon juries at the assizes or quarter sessions, so long as he shall continue in that office; and a certificate under the hand of a justice of the peace acting for the limit wherein he executes such office, in the form contained in the said schedule, No. X., shall be admitted as evidence of his serving the office.

Visitor may
appoint a
deputy.

Governor, &c.
to obey the
visitor.

XI. And be it further enacted, That if two thirds, in number and value as aforesaid, of the owners or occupiers of lands, tenements, or hereditaments, within any single parish, township, or place, which shall adopt the provisions of this act in manner aforesaid, shall desire to have a visitor

Single pa-
rishes may
have a visitor
appointed.

appointed, and shall nominate and recommend to the of the limit, three persons properly qualified for the justices, upon application to them in manner a shall appoint one of the persons so recommended manner hereinbefore directed concerning parishes, &c and places, so united as aforesaid.

A treasurer
to be ap-
pointed.

His duty.

XII. And be it further enacted, That the guardians of the several parishes and townships united for the of this act, shall recommend to the justices one of the body to be treasurer of the poor-house; and it may be lawful for two justices of the limit to appoint a guardian so recommended, or any other of the whom they shall think better qualified, to that office, in the form contained in the said schedule, No. VII., or to the like effect; which treasurer shall give sufficient security to the satisfaction of the justices, to the other guardians and their successors, for his duly accounting for the money which shall come to his hands; and shall keep the receipt for the money to be contributed by each parish or township, and pay or discharge the several bills and pences which shall be allowed and ordered to be paid to the guardians, at their monthly meeting; and shall render accounts before the guardians, at every such meeting, for their perusal and approbation; and shall, once in every year, within fourteen days before the *Michaelmas* quarter of the peace for the county, riding, division, city, or town, where such poor-house shall be situate, make out, or have made out, a just and fair account of the expences incurred in the same, distinguishing them under the several heads specified; and also an account of the number of poor persons distinguished by their age and sex, which shall be contributed to every such house at the time of making such account, how they have been employed, and how much money has been earned by the labour of the poor, in the year previous to which shall be laid before the visitor, and signified in writing to the hand, if he approves the same, and shall afterwards be submitted to the clerk of the peace, or town clerk, of such riding, division, city, or place, before or at the third or fourth quarter sessions, and be by him laid before the justices for their inspection: And every such treasurer shall be allowed, for his trouble in executing that office, such annual salary not exceeding ten pounds, as the visitor, if not a justice of the peace, shall think fit; and if no such visitor, as two justices of the peace for the limit shall appoint.

Appointment
in case of
vacancies.

XIII. And be it further enacted, That when and at any vacancy shall happen in any of the offices aforesaid,

nation, or removal, meetings shall be called, and sessions offered to the justices in manner aforesaid; and shall proceed as soon as conveniently may be in the manner directed, to appoint a fit and proper successor upon so dying, declining to act, or so removed as

provided always, and be it further enacted, That the guardian, governor, visitor, or treasurer to which shall be appointed under the authority of this act, nine in *Easter* week next after the respective persons be appointed thereto, on the day upon which the meeting for such parish, township, or place shall be held, when the persons, who, according to this act are directed to have a right to recommend another person to the office, shall either agree with the person so appointed to such office, shall either agree with the person who held the same to continue in such office, or direct to recommend others, in the manner hereinbefore directed, as if such person had died.

Continuance of guardian.

And be it further enacted, That if within any such parish or township, wherein any poor-house shall be situated, shall happen to be no acting justice, or only one acting for the peace, or if the justice or justices of the peace for that act in that limit shall be absent, or by any means shall be unable to act, it shall and may be lawful for any justice or justices to act in all such cases.

Justices in a different limit may act in certain cases.

And be it further enacted, That it shall and may be lawful for the justices of the peace, within their respective limits, to appoint special or privy sessions for executing the several purposes of this act, causing proper notice to be given of the time and place of holding the same, and to the several justices of the peace, peace officers, and guardians of the poor within such respective limits; and also to cause such special or privy sessions, to be again holden at such times and places as they shall judge most proper for discharging the business required by this act, and such other business as may happen to fall under their cognizance, so as to occasion least trouble to themselves, and to afford the greatest convenience and accommodation to the public, causing the same to be given of every such adjournment.

Justices may appoint special sessions for executing the powers of this act.

And be it further enacted, That the guardians of the poor in several parishes, townships, and places, which are directed by the provisions of this act, shall provide a suitable dwelling house or houses with proper buildings and furniture thereunto, when wanted, either by erecting

Guardians shall provide houses, and proper utensils, &c.
See 1 & 2 G. 4. c. 56.

new ones on land to be purchased or rented by them for the purpose, altering old ones, or hiring buildings for the purpose; and shall fit up and dispose the same, with the advice and approbation of the visitor, if any, in such manner as shall be most conducive to the general purposes of this act, at the expence of such parish or township, or parishes, townships, and places respectively, in the proportions hereinafter mentioned; and shall provide such utensils and materials as they shall think necessary for their employment, according to the true intent and meaning of this act.

Poor-houses where to be situated.

XVIII. And be it further enacted, That the several poor houses or workhouses to be built or provided under the authority of this act, shall be situate within the parish or township for which they shall be used, if single parishes or townships, and if several parishes or townships shall be united for the purposes of this act, they shall be built or provided, within one of the parishes or townships so to be united, and not in any other parish, township, or place, without the consent of three fourth parts, in number and value as aforesaid, of the owners or occupiers of lands, tenements, or hereditaments within the same, first had and obtained, qualified as hereinbefore mentioned, who shall be assembled at a public meeting to be holden in the manner, and upon the like notice, as has been directed for public meetings.

On what conditions lands, &c. shall be rented.

XIX Provided always, and be it further enacted, That the houses, buildings, and lands, to be hired or rented under the authority of this act, shall be hired or rented in such manner for such term or terms, and on such conditions, as are specified in the form of agreement contained in the schedule, No. IV. ; and all such houses, buildings, and lands shall be free from all parochial and parliamentary taxes, except such taxes, and to such amount, as they were assessed at the time they were first taken and applied for the purposes of this act.

Buildings to be paid for by the guardians.

XX. And be it further enacted, That when any such buildings shall be agreed to be erected, repaired, or fitted up, at the expence of the parish, township, or place, or parishes, townships, or places, which shall adopt the provisions of this act as aforesaid, the expences thereof, and of the purchase of the land necessary to be used for that purpose, shall be paid by the guardians of the poor of such parish, township, or place, or of the parishes, townships, and places, where they shall unite for those purposes, in the proportions to be settled and adjusted by the persons, and in the manner directed by the agreement to be made as aforesaid, and that it shall and may

ful for the visitor and guardian of the poor of any such parish, township, or place, when such expences, or their proportion thereof, shall amount to one hundred pounds or upwards, to borrow the same at interest, and secure such money by a charge upon the poor's rates of such parish, township, or place, in sums not exceeding fifty pounds each, for the better case in discharging the same, in the form contained in the said schedule, No. XI., or to that or the like effect; which charge shall continue upon the said rates until the money so borrowed, and all interest for the same shall be fully paid and satisfied: And the said guardians and their successors shall, and they are hereby required duly to pay and keep in the interest of such money so to be borrowed, for the use of their respective parishes, or townships, as the same shall become due; and that when the principal shall be called for, they may borrow it from some other person or persons; and the same shall be secured to the person advancing the same by an assignment of such security indorsed on the back thereof in the form contained in the said schedule, No. XIV., or to that or the like effect.

Visitors and guardians empowered to borrow money.

And that the poor's assessments shall continue at the same rate they were when such poor-house was first licensed under the authority of this act, until the debt so contracted, and the interest thereof, shall be fully discharged: And that the said visitor and guardian, in order to expedite such payments, shall, as soon as the savings in the poor's accounts shall amount to a sum sufficient to pay off and discharge one of the sums which shall have been borrowed, pay off and discharge such sum, and in like manner as to all succeeding savings, until the whole debt so contracted and secured shall be discharged.

Repealed by 43 G. 3. c. 110. s. 1.
See Id. c. 2.

LXI. And be it further enacted, That the visitor and guardian for the time being of every parish, township, and place, of the several parishes, townships, and places which shall be so united as aforesaid, from and after they shall respectively have adopted the provisions of this act, shall be, and are hereby respectively declared to be one body politic and corporate, and to be called by the name of *visitor and guardian, or visitors and guardians, of the poor for the parish, township, or place in the county, &c. of* or *of the united parishes, townships, or places of* and *in the county, &c. of* as the case shall be; and are hereby authorized and enabled by that name to sue and be sued, and to accept, take, and hold, by purchase or lease, any lands, tenements, or hereditaments of inheritance or for lives or years, or for years determinable on the death of any life or lives, not exceeding in any city or town one acre, and not exceeding in the open country twenty acres of stallage.

Visitors and guardians to be incorporated.

Their names.

tute measure, for the scite of a house or houses to be built, and for lands to be occupied, for the purposes of this act; and the said corporation is also hereby authorized and enabled to accept, take, and hold all voluntary grants and donations of lands, tenements, or hereditaments of inheritance, or for lives or years, or for years determinable on lives, or of personal property, which shall be made to them for the use and benefit of the poor within such respective parishes, townships or places.

Incapacitated persons empowered to sell lands, &c.

XXII. And be it further enacted, That it shall and may be lawful for all bodies politic, corporate, or collegiate, corporations aggregate or sole, husbands, guardians, trustees, feoffees in trust, committees, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves their heirs and successors, but also for and on behalf of the *cestui que* trusts, whether infants, issue unborn, lunatics, idiots, femmes-covert, or other person or persons, and to and for a femmes-covert, who are or shall be seised, possessed of, or interested in their own right, and to and for every other person and persons whomsoever, who are or shall be seised, possessed of, or interested in any lands, tenements, or hereditaments which shall be necessary to be purchased or rented for the purposes of this act, to contract for, sell, and convey, or lease the same, or any part thereof, in manner aforesaid, not exceeding the quantity aforesaid, unto the said visitor and guardians, their successors and assigns, or to such person or persons as they shall nominate and appoint, for the use and benefit of such poor-house, and the poor persons within such parishes, townships, and places respectively, and for all other the purposes of this act.

Money paid for such lands, &c. to be laid out in the purchase of other lands, &c. to be settled to the same uses.

XXIII. And be it further enacted, That all sums of money which are to be paid to any bodies politic, corporate, or collegiate, corporations aggregate or sole, feoffees in trust, executors, administrators, husbands, guardians, committees, or other trustees whatsoever, for or on behalf of any infant, lunatic, idiot, feme-covert, or other *cestui que* trust, or to any person or persons whose lands are limited in strict settlement, for the purchase of any lands or buildings as aforesaid, shall, in case the same exceed the sum of twenty pounds, by such bodies politic, corporate, or collegiate, corporations aggregate or sole, feoffees in trust, executors, administrators, husbands, guardians, committees, or other trustees, person or persons seised of lands or buildings so limited in strict settlement, be laid out, as soon as conveniently may be, in the purchase of lands, tenements, and hereditaments, in fee-simple, and conveyed to or to the use of such bodies politic, corporate, or collegiate, corporations aggregate or sole, feoffees

scutors, administrators, husbands, guardians, com-
other trustees, or to and for such other person or
d for such estates, and to, for, upon, and subject
s, trusts, limitations, remainders, and contingen-
lands for or in respect whereof such purchase
l be so paid as aforesaid were limited, settled, and
the time such purchase was made, or so many of
shall be then existing, and capable of taking effect;
ases and settlements to be made at the expence of
ve parish, or of the several parishes so uniting, in
ions afore-mentioned, and charged by the respect-
ms of such parishes, together with the purchase
heir accounts; and in the mean time, and until
se or purchases shall be made, the said money
ced out by such bodies politic, corporate, or col-
orations aggregate or sole, feoffees in trust, execu-
istrators, husbands, guardians, committees, or
es, person or persons, in some of the public funds,
nment or real security, in the name of two or more
one to be named by the party or parties interested
l the other by the guardian, if it respects a single
and by the visitor, if it respects several parishes,
or places so united as aforesaid; and the interest
to be produced from such funds or securities, and
ual rent, where the said premises shall be rented,
l to such person or persons respectively as would,
being, be entitled to the rents and profits of such
dings, so to be purchased and settled, pursuant to
d true meaning of this act.

nd be it further enacted, That the poor persons
sent to every such house, by virtue and under
y of this act, shall be maintained therein at the
nce of the respective parishes, townships, and
dopting the provisions of this act as aforesaid,
the terms, and in the proportions, directed and
y this act; and that the treasurer, with the as-
ae governor of every such house, to be appointed
, shall provide all fit and necessary provisions for
ance of such poor, and keep an account thereof;
re shall be a meeting of the guardians of the poor
1 parish, township, and place, at such house or
ie first *Monday* in every month, at the hour of ten
on, or on such other day and hour in the first
y month, as the said guardians shall at their first
int, to state, examine, inspect, and adjust the ac-
ne preceding month: and that at such meeting,
urer shall produce, fairly written, one account

Poor to be
maintained
at the general
expence of
the respective
parishes.

Guardians to
meet month-
ly.

Treasurer at
each meeting
to produce.

an account of
debts incur-
red for uten-
sils, furni-
ture, &c.

and also an
account of
the victuals,
beer, &c.
used in the
poorhouse.

of the debt incurred in the preceding month, for utensils and materials for the purpose of manufacture, and for furniture alterations, or repairs of the buildings, and also for the salary or allowance to the governor or treasurer, and servants (any), in which account the rent of such house or houses, buildings, and premises, if the same shall be rented, shall be charged in the month next after such rent shall become due according to the terms of the agreement for taking the same; which account, when settled and agreed to, shall be signed by the said guardians attending such meeting: And the same shall be paid by each of such parishes, townships, and places, that account, shall be settled and adjusted at such meeting in proportion to the sums paid by each such parishes, townships, and places, on account of their poor, on a medium of the years next preceding the date of such agreement, (to be settled and ascertained at such first monthly meeting, in the manner to be specified by the said agreement so to be entered into for uniting as aforesaid, and according to the mode, form, and table, contained or referred to in the said schedule No. XV.), and in like manner, and in the like proportions every succeeding monthly meeting; and the money shall then, or within one week after, paid into the hands of the treasurer, to be by him applied in the discharge of the several articles and debts contained in such account: And the treasurer shall also at the same time produce, fairly written, one other account, of the victuals, beer, firing, and other necessaries, for the use and maintenance of the poor, and of the governor, at such house or houses, and all other incidental expences; which shall be then accounted for, and proportioned by the said guardians according to the number of persons which shall have been sent from each of the said respective parishes, townships, and places, and for the time they shall have resided in such house or houses, within such month, according to the mode or form, and table, and in the manner for that purpose also mentioned in the said schedule, No. XVI.; and the sum due from each parish, township, or place, shall be specified at the foot of such account, which when settled and agreed to, be signed by such guardians, the major part of them, and be afterwards inspected by the visitor, if not a guardian, and allowed by him if he shall approve thereof; and in case default shall be made in payment of the respective sums so proportioned to be paid in respect of any such parish, township, or place, for seven days after the same shall be so settled and proportioned, and the money demanded, it shall and may be lawful for any justice of the peace for the limit where such house or houses shall be situated upon complaint made to him upon oath of such default, to levy the said respective sums, to be settled and proportioned

foresaid, by distress and sale of the goods and chattels of guardian of the poor for any such parish, township, or place, making such default; and at the end of every year the account shall be finally closed, and the balances paid and received according to the mode prescribed by the said schedule, . XVI.

XXV. And be it further enacted, That the churchwarden or overseer of the poor of any parish, township, or place, shall have the custody of the poor's rates, assessments, accounts, for such parish, township, or place, shall, and hereby required to produce the same to the persons who shall be nominated in the agreement contained in the said schedule for uniting parishes, on every request made by them for that purpose, after four days' notice thereof, in order to enable them to ascertain the expences relative to the poor, on a medium of three years, according to the intentions, true intent, and meaning of this act, or in default thereof, shall forfeit the sum of five pounds for every such default or neglect.

Penalty on persons refusing to deliver up poor's rates, &c. after proper demand.

XXVI. And be it further enacted, That if the guardian of the poor for any parish, township, or place, which shall neglect the said provisions as aforesaid, shall not attend each monthly meeting hereby directed to be holden, or send some substantial inhabitant of such parish, township, or place, to attend and answer the payments for him, in case he shall be prevented by sickness, or other unavoidable accident, from attending in person, the guardian for every such parish, township, and place, making such default, shall, for every such neglect, forfeit a sum not exceeding five pounds, nor less than ten shillings.

Penalty on guardians who shall neglect to attend monthly meetings.

XXVII. And be it further enacted, That in order to encourage the salutary and benevolent purposes of this act, and to afford better accommodations for the poor at such poor houses, it shall and may be lawful for the guardians of the poor, where any such poor-house shall be provided, purchased, or agreed to be erected, to inclose from any waste or common land or ground lying near or adjoining thereto, with the consent and approbation of the lord of the manor, and the major part in value of the freeholders or persons having right of common thereupon, signified under their seals and seals, any part or portion of such waste or common land, not exceeding ten acres, for the purpose of building upon, or occupying, cultivating, and improving the same, for the use and benefit of such poor-house, and the poor persons, within the parish, township, or place, where

Waste land adjoining to poorhouses may be inclosed with consent of the lord of the manor, &c.

the same shall be, or within the parishes, townships, or places, which shall be united therewith for the purposes of this act.

Persons sent to poorhouses to deliver an order signed by a guardian.

XXVIII. And be it further enacted, That every person to be sent to any house or houses to be provided for by the authority of this act, shall, at the time of his entering such house, deliver, or cause to be delivered to the governor thereof, or to his assistant, if any, an order by one of the guardians of the poor of the parish, or place, from which such person shall come, for the reception of such person or persons, in the form or to the effect contained in the said schedule, No. XII.; which order shall be carefully kept by the governor, and entered by him in the book to be provided for that purpose.

What persons may be sent to the poorhouses.

XXIX. And, to render the provisions of this act more practicable and beneficial, be it further enacted, That no person shall be sent to such poor-house or houses as are become indigent by old age, sickness, or infirmities, and are unable to acquire a maintenance by their own labour; and except such orphan children as shall be sent thither by order of the guardian or guardians of the parish, with the approbation of the visitor; and except such children as shall necessarily go with their mothers for their sustenance.

How poor children are to be provided for.

XXX. And be it further enacted, That all infants of tender years, and who, from accident or misfortune, become chargeable to the parish or place to which they belong, may either be sent to such poor-house as shall be provided for them, or be placed by the guardian or guardians of the parish, with the approbation of the visitor, with some reputable persons in or near the parish, township, or place, to which they belong, at such weekly allowance as shall be agreed upon between the parish officers, and such persons, with the approbation of the visitor, until such children shall be of sufficient age to be put into service, or bound apprentice to husbandry, or some trade or profession; and a list of the names of every child so placed, and by whom and where kept, shall be given to the parish officers, who shall see that they are properly treated, or cause them to be removed, and placed under the care of some other person or persons, if he finds just cause so to do; and every such child shall, when he or she shall attain such age, be placed out, at the expence of the parish, township, or place, to which he or she shall belong, according to the provisions of this act: Provided nevertheless, that if the parents or

or child sent to such house, or so placed out as or any other responsible person, shall desire to and provide for any such poor child or children, and the same to the guardians at their monthly meeting, the guardians shall, and are hereby required to dismiss, or if dismissed, such child or children from the poor-house from the care of such person or persons as afore-mentioned deliver him, her, or them, to the parent, relation, or person so applying as aforesaid: Provided also, that nothing herein contained shall give any power to separate any child or children, under the age of seven years, from their parent or parents, without the consent of such parent or parents.

And be it further enacted, That all idle or disorderly persons, who are able, but unwilling, to work or themselves and their families, shall be prosecuted by the guardians of the poor of the several parishes, townships, and places, wherein they reside, and punished in such manner as the justices of the peace, sitting at the next quarter sessions, shall think fit: And all such idle and disorderly persons, are directed to be by law made in the seventeenth year of the reign of His Majesty King George the second; and if any guardian neglect to make complaint thereof, against every such idle or disorderly person, to some neighbouring justice of the peace, within ten days after it shall come to his knowledge, or if every such neglect, forfeit a sum not exceeding five pounds, nor less than twenty shillings; one moiety thereof, to be paid to the informer, and the other moiety to be disposed of as the other forfeitures are herein directed to be applied.

Idle persons who neglect to provide for their families shall be prosecuted by the guardians.

I. And be it further enacted, That where there shall be any parish, township, or place, any poor person or persons who shall be able and willing to work, but who cannot get employment, it shall and may be lawful for the guardians of the poor of such parish, township, or place, and he is required, on application made to him by or on behalf of such poor person, to agree for the labour of such poor person or persons, at any work or employment suited to his strength and capacity, in any parish, township, or place, or near the place of his or her residence, and to maintain, and provide for, until such employment shall be obtained, and during the time of such work, and to receive the money to be earned by such work or labour, and apply the same to the maintenance as far as the same will go, and make good any deficiency, if any; and if the same shall happen to be expended in such maintenance, to account

How guardians are to proceed relative to poor persons who cannot get employment.

for the surplus, which shall afterwards, within one month, be given to such poor person or persons who have earned such money, if no further expences shall be incurred on his or her account to exhaust the same case such poor person or persons shall refuse to run away from such work or employment, complaint made thereof by the guardian to some justice of the peace in or near the said parish, township, or place shall enquire into the same upon oath, and on or punish such offender or offenders, by committing him or them, to the house of correction, there to be kept labour for any time not exceeding three calendar months nor less than one calendar month.

Guardians to provide suitable clothing for the persons they send to the poorhouses.

XXXIII. And be it further enacted, That the guardians of the poor for any parish, township, or place, adopting the provisions of this act as aforesaid, shall provide, at the expense of such parish, township, or place, suitable and necessary clothing for the persons sent by him to such poor-house aforesaid; and in case of his neglect so to do, the justice of the peace or one of the guardians of every such house shall make complaint thereof to some neighbouring justice of the peace who shall summon the guardian so making neglect to appear before him to answer the said complaint, and direct him to provide such clothing as shall to such justice appear necessary; and if such guardian shall make default in providing such clothing within ten days after such direction, and may be lawful for such justice of the peace to demand from the governor of such poor-house, or the guardian so making neglect, the charges and expences of providing such clothing; and in default of payment thereof, upon demand, it shall and may be lawful for such justice of the peace to levy the same, and the costs and attending the recovery thereof, by distress and sale of goods and chattels of every such guardian so making default.

Rules and orders contained in the schedule, to be observed at the poorhouses. See 50 G. 3. c. 50. s. 1; 49 G. 3. c. 124. s. 5.

XXXIV. And be it further enacted, That the rules and regulations, specified and contained in the schedule annexed, shall be duly observed and enforced in every poor-house or work-house to be provided by virtue of this act, with such additions as shall be made by the justice of the peace of the limit wherein such house or houses shall be situated, at some special session; provided that such additions shall not be contradictory to the rules, orders, and regulations established by this act, and provided that the same shall not be repealed by the justices at their quarter sessions of assizes and for the purpose of having them more generally

strictly attended to, the governors of every such houses shall, and are hereby required to cause the printed in plain legible characters, and fixed up conspicuous part of every such house or houses.

V. And whereas, by the said act of the ninth of the First, directions are given touching the ap-
to be made by poor persons, and the manner in
y are to be relieved, by orders from justices of the
it, from a want of proper descriptions of the poor,
o be the objects of such relief, from a want of pro-
modations in many parishes, townships, and places,
want of the means of enforcing the orders of the
or such relief, the said act hath not had its proper
d the poor have been frequently reduced to hardships
ases :'' For remedy whereof, be it further enacted,
all and may be lawful for any justice of the peace,
laint made upon oath, by or on the behalf of any
ion belonging to any parish, township, or place, that
dian, upon application made to him, hath refused
r person proper relief, and after inquiring into the
and circumstances of such poor person upon oath,
order him or her, by writing under the hand of such
ome weekly or other relief, or direct such guardian
uch poor person to the poor-house, in case he or she
pear a fit object to be kept and provided for there,
g to the true intent and construction of this act ;
der shall be complied with, or sufficient cause shown
ntrary, before such justice, by such guardian, within
after he shall receive the same ; (and every person
; weekly relief shall wear the badge directed by the
in the eighth and ninth years of the reign of King
the Third, unless directed otherwise by a justice of
e, upon proof of very decent and orderly behaviour) ;
shall appear to such justice, that the person so com-
or on whose behalf such complaint is made, is able
ng to work, but wants employment, in that case it
may be lawful for such justice to order the guardian
re him or her maintenance and employment in the
hereinbefore directed ; and if any guardian shall,
e notice of any such order, refuse or neglect to obey
, he shall, for every such refusal or neglect, forfeit
of five pounds ; or if it shall appear to such justice,
person making such complaint, or on whose behalf
plaint is made, is an idle or disorderly person, and
used proper means to get employment, it shall and
lawful for the justice, after examining such person,
ing the whole circumstances of the case, to commit

Justices, on
complaint
that any
guardian
hath refused
relief to any
poor person,
may direct
such guar-
dian to send
the complai-
nant to the
poor-house.

If the justice
shall find
that the com-
plainant is an
idle person,
he may com-
mit him to
the house of
correction.

such person to the house of correction for any time not exceeding three calendar months, nor less than one calendar month; or if it shall appear to such justice, upon enquiry aforesaid, that the husband or father of such person makes complaint, or on whose behalf complaint shall be so made for want of relief, is an idle or disorderly person, able to work, but by his neglect of work, or for want of seeking employment, or by spending the money he earns in ale-house or places of bad repute, does not maintain his wife or children and suffers them to be reduced to want, it shall and may be lawful for such justice of the peace, in like manner, to commit the husband of such poor woman, or the father of such poor child or children, to the house of correction, for any time not exceeding three calendar months, nor less than one calendar month.

Guardian not to be summoned before the justice, unless the complainant shall have applied both to the guardian and visitor. See 59 G. 3. c. 12. s. 27.

XXXVI. Provided always, and be it further enacted, That when any complaint or application shall be made to a justice of the peace, for the relief of any poor person, within any parish, township, or place, for which a visitor shall be appointed, such justice shall not summon the guardian to appear before him, unless application shall have been first made, by the person so complaining, to the guardian, and, if he refuse redress, to the visitor, (it being part of his duty to adjust matters of that sort,) who shall order relief if he thinks it necessary, either within or out of the poor-house, as he shall judge right; but if sufficient relief shall not be so given or ordered, the poor person complaining, or on whose behalf such complaint shall be made, shall be redressed by such justice in the manner hereinbefore directed.

Application of penalties inflicted on guardians.

XXXVII. And be it further enacted, That out of the penalty hereby inflicted upon the guardian for disobeying the order of a justice of the peace for the relief and maintenance of any poor person, so much thereof as the justice of the peace who shall convict such offender shall direct to be paid to such poor person to whom such relief was ordered, shall be paid to him or her accordingly, and the remainder applied in such manner as the other penalties are hereby directed to be disposed of.

Directions relative to such poor persons who shall be afflicted with sickness, &c. when at a distance from their parish.

XXXVIII. And be it further enacted, That if any poor person shall be retarded on his or her passage through any parish, township, or place, in which he or she has no legal settlement, by reason of his or her meeting with any accident or being afflicted with any dangerous sickness or bodily infirmity without the means of subsistence, or of proceeding to the place of his or her settlement, the guardian living near the

place where such distressed object shall be, shall, and is hereby required, upon notice thereof, forthwith to provide lodging, and suitable nourishment and assistance (and also clothing if necessary) for such person, until he or she can be removed with safety; and when such person shall be in a state of health fit to be removed, shall take such person to some neighbouring justices of the peace of the county, riding, division, city, or place, where such person was found, who shall examine him or her upon oath, touching the place of his or her settlement, and make an order for his or her removal thither, if they think fit: And the parish officer who shall so receive and provide for such person or persons as aforesaid, shall make a charge of the expences attending the same, which shall be allowed and certified by the justice before whom such poor person shall be so taken, or some other neighbouring justices within the limit where such person was found, the same shall be paid by the guardian of the parish, township, or place, where such poor person shall be settled, in case the same can be discovered, and shall happen to be within that county, on demand made thereof, and on the production of such allowance and certificate as aforesaid, or in default of payment, the same shall be levied on the goods and chattels of any such guardian so making default, after due summons, by warrant from a justice of peace having jurisdiction there; and if any poor and sick person circumstanced as aforesaid shall die before he or she can be so examined, or if any poor person shall be found dead in any parish or place to which he or she did not belong, the guardian of such parish or place respectively shall, and is hereby required in every such case, to cause such person to be buried in the parish, township, or place, where he or she so died or was found dead, and shall make a charge of the expences attending the same respectively, which shall be allowed and certified by a justice of the peace, after examining into the place of his or her settlement, and shall be paid by the guardian of the parish, township, or place, where such person shall appear to have been settled, if the same shall be within that county; but in case the settlement of such poor persons respectively cannot be discovered, or shall not be within that county, the same shall be paid by the treasurer of such county, riding, division, city, or place, where such person was so relieved, on the production of such allowance and certificate, out of the county or public money to be collected within his limit, and allowed to such treasurer in his accounts.

XXXIX. And be it further enacted, That nothing herein contained shall extend or be construed to extend, to alter or affect the settlement of any person or persons whomsoever, or

Not to alter the settlement of any person, &c.

to give any illegitimate child, who may be born in any house or workhouse established under the authority of this act, a settlement in the parish or place in which such house or poor-house shall be situated, (but every such child shall be considered as settled in the parish or place to which the mother belongs,) or to alter or affect any of the provisions, directions, rules, orders, or regulations established by any act or acts of parliament for the management and government of any particular house of industry, or workhouse, or any part of this kingdom; any thing herein contained to the contrary thereof in any wise notwithstanding.

Penalty on persons who shall embezzle or waste goods, &c. committed to their care in any poor-house.

XL. And be it further enacted, That if any poor person who shall be sent to such house or houses, shall embezzle or waste any of the goods or materials committed to his or her care, or shall take or carry away, without permission of the governor, any goods or materials provided for the use of such house, or belonging to any person residing in such house, complaint shall be made thereof upon oath to some justice of the peace living near such house: who shall hear the same, and the party accused; and such justice shall be authorized, upon conviction, to commit such person to the house of correction, there to be kept to hard labour for any time not exceeding six calendar months, not more than two calendar months, as the said justice shall think fit and direct.

Penalty on persons who shall entice or remove from one parish to another, without an order from two justices.

XLl. "And whereas it frequently happens, that children, pregnant women, or poor persons afflicted with sickness or some bodily infirmity, are enticed, taken, or conveyed, by parish officers, or other persons, from one parish or place to another, without any legal order of removal, in order to ease the one parish or place, and to burthen the other with such poor persons:" For remedy whereof, be it further enacted, That when any guardian, or other person, shall so entice, take, convey, or remove, or procure to be so enticed, taken, conveyed, or removed, any such poor person or persons, from one parish or place to another, which shall adopt the provisions of this act, an order of removal from two justices of the peace for the purpose, every person or persons so offending shall, for such offence, forfeit a sum not exceeding twenty pounds, or less than five pounds.

Penalty on visitors, guardians, and governors, who shall furnish provisions.

XLII. And be it further enacted, That if any guardian, or governor, shall sell or furnish any materials, goods, clothes, victuals, or provisions, or do any thing in his trade for the use of any workhouse, poor-house,

as, within any parish, township, or place, for which all be so appointed to act, or be concerned in trade or with any person or persons who shall sell, provide, or furnish the same, he shall, for every such offence, it a sum not exceeding twenty pounds, nor less than five ds, on being duly convicted thereof by a justice of the

visions, &c.
for the poor-
house to
which they
belong.

LIII. And be it further enacted, That it shall and may wful for the guardians of the poor of any parish, town-, or place, which shall adopt the provisions of this act, the approbation of the persons within such parish, town-, or place, qualified as hereinbefore mentioned, obtained a public meeting held for that purpose, to sell or dispose my house, cottage, or building, which shall have been ed or purchased for the use of any poor person or per-, at the expence of such parish, township, or place, and by the money arising therefrom for the purposes of this ; and also to remove, by order from a justice or justices the peace, the person or persons who shall inhabit the e, or any other house or dwelling rented or provided at expence of such parish, township, or place, if he, she, or 'refuse to quit, after receiving fourteen days' notice for purpose.

Guardians,
with the ap-
probation of
the parish-
ioners, may
sell houses
provided by
the parish
for the poor
thereof.

LIV. Provided always, and be it further enacted, That ing in this act contained shall extend to or affect, or be ed, construed, or adjudged to extend to or affect, any h, township, or place, which shall not agree to adopt provisions herein contained, in the manner hereby directed prescribed ; any thing herein contained to the contrary of notwithstanding.

This act not
to extend to
any place
which shall
not adopt the
provisions
thereof.

LV. And be it further enacted, That all penalties in- ed by this act shall be recovered before one or more ce or justices of the peace of the jurisdiction where the der dwells ; who shall, upon conviction, in default of ment, after due summons and demand made, cause the e to be levied by distress and sale of the offender's goods chattels, by virtue of a warrant under the hand and seal any justice of the peace having jurisdiction where such der shall dwell, rendering to the said offender the over- s (if any) after the charges of such distress and sale shall deducted ; and in case sufficient distress shall not be found, n, and in every such case, it shall and may be lawful to d for any such justice of the peace to commit such offen- r to the house of correction, there to remain, without bail r mainprize, for any space not exceeding six calendar months,

Penalties and
forfeitures
how to be re-
covered and
applied.

nor less than one calendar month; and that every such penalty and forfeiture, if not hereby otherwise directed disposed of, shall be paid to the treasurer of every such or houses, where any such shall be established under authority of this act, to be applied by him toward fraying the monthly expences of victuals, beer, firing, other necessary provisions for the poor within such houses.

Persons aggrieved may appeal to the quarter sessions;

XLVI. And be it further enacted, That any person aggrieved by the act of any justice or justices of the peace of sessions, in or concerning the execution of this act, appeal to the next general quarter sessions of the peace the county, riding, liberty, division, precinct, or district wherein such act was done, giving eight days' notice to the party against whom the complaint shall be made, giving security, by recognizance, to be acknowledged by a justice of the peace, with a sufficient surety, to pay the attending such appeal, if the matter shall be determined against the appellant; and the justices at such quarter sessions are hereby authorized to hear and determine such appeal, and to award costs, for or against the appellant, as shall see just cause so to do; which determination shall be final, and shall not be removed by *certiorari*.

whose determination shall be final.

Public act.

XLVII. And be it further enacted, That this act shall be deemed and taken to be a public act; and shall judicially taken notice of as such by all judges, justices and other persons whomsoever without specially pleading the same.

SCHEDULE

Containing the forms of proceedings referred to by the said act.

No. 1.

Form of agreement at a public meeting, for a single parish or township to adopt the provisions, rules, and regulations, &c. act, made in the twenty-second year of George the third, for the better relief and employment of the poor.

It is agreed, at a public meeting duly holden this
day of _____ at _____ in the county of _____
pursuant to the directions of an act, made in the _____ year of _____

between the twenty-second year of King George the third, *for the better relief and employment of the poor*, that the parish [or township] of [as the case shall be] shall from henceforth adopt, in all respects, the provisions, rules, orders, and regulations, and comply with all the requisites prescribed by the said act; and that our workhouse [if there is one] shall be immediately fitted up and accommodated for the purposes mentioned in the said act. [If there is none.] We will forthwith provide a proper workhouse, either by erecting a new one, or hiring, altering, and fitting up buildings suitable to the purpose, at some convenient place, within our parish, *et cetera*. And we recommend to the consideration of the justices and as fit and proper persons for guardians of the poor; and as fit and proper persons for governors of the poor-house, in the said parish, township, *et cetera*; [as the case shall be.]

Given under our hands, *et cetera*.

No. II.

Form of consent and approbation of the justices.

WE *A. B.* and *C. D.* esquires, two of His Majesty's justices of the peace for the county, *et cetera*, of [as the case shall be] considering the parish or township, *et cetera*, [—] within the said county, *et cetera*, to be of magnitude sufficient to have a workhouse provided within it for the reception and employment of the poor, and to adopt the provisions of the act (*for the better relief and employment of the poor*) passed in the twenty-second year of the reign of King George the third, do hereby give our approbation and assent thereto, pursuant to the directions of the said act; and we do also agree to the salaries fixed by the said agreement to be paid to the guardian and governor.

Given under our hands, this day of

No. III.

Form of agreement, at the public meeting, for two or more parishes, townships, or places, to unite in adopting the provisions of the act made in the twenty-second year of King George the third, for the better relief and employment of the poor.

It is agreed at a public meeting, duly held this of at in the county pursuant to the directions of the said act, That the parish [or township] of [as the case shall be] shall, from henceforth, in conjunction with the parishes or townships of and .

[*as the case shall be*] adopt in all respects the provision orders, and regulations, and comply with all the r prescribed by the said act for parishes uniting for th poses; and that a convenient workhouse, and other l and necessary conveniences, shall be immediately pr or near and properly fitted up and modated for the purposes mentioned in the said act: recommend to the consideration of the justices of t wherein such workhouse will be situate, *A.B., C. E.F.*, as fit and proper persons qualified for guardian poor; and *G.H., I.K., and L.M.*, as fit persons t vernors of the poor-house for the said parish [*or town the case shall be*]; and do agree to allow the person w be appointed guardian a salary of *pe* for his trouble in executing that office; and to the per shall be appointed governor of the poor-house a s for his trouble in executing that office

No. IV.

Form of agreement for uniting the parishes [or township case shall be] of A., B., C., and D., for the purpose viding a house or houses, and the better maintaining plying their poor, pursuant to the statute of the twent year of King George the third.

It is agreed, this day of by and between the guardians of the poor of the pa and the township of and (which maint own poor separate and distinct from the other parts respective parishes) whose names are hereunto sub pursuant to the opinion of two third parts in num value as aforesaid, of the owners or occupiers of land ments, and hereditaments assessed to the poor's rates such respective parishes and townships, at meetings d for that purpose, qualified according to the direction act passed in the twenty-second year of the reign of I jesty King *George* the third, and with the approbation and *C.D.* two justices of the peace according to the di of the said act, that the said respective parishes and to shall be united for the better maintaining and employi poor; and that a convenient house or houses, with buildings and accommodations thereto, and with land gardens, orchards, and the keeping of a cow or cow be built, [*purchased, or hired, as shall be found most s at or near* for the reception and accou tion of the poor, as soon as conveniently may be,

the same shall be rented upon such terms as shall be upon between the guardians of the poor of the said parishes and townships, or the major part of them; and on or persons owing or being authorized to let such houses, lands, and premises; but no such agreement shall be for a longer term than twenty-one years, unless the guardians shall have an option to vacate it at the end of that term, on giving twelve months' notice in writing of their intentions so to do, nor for a shorter term than three years; and such houses shall be fitted up and made convenient for the purposes aforesaid, at the expence of the owners [or tenants, *as shall be agreed between them*]; that the owners of the said houses, the expences of fitting up, making, additions, or alterations, [*where they shall be agreed to be paid by the tenants,*] and of the furniture thereof, and also the wages and materials to be used for the purpose of employing the poor, and the wages and allowances to be paid to the labourers of the house, shall be paid by the said several guardians in their due proportions, according to the amount of money raised by the poor's rates for their several parishes and townships, in respect of their poor, on a medium of three years preceding such agreement; and that such proportions shall be ascertained by the guardians and the persons we have nominated for that purpose, and shall be paid by the guardians of the poor of the said respective parishes and townships, to the person who shall be authorized to receive the same, within seven days after the same shall be so ascertained; and that the money earned by the labour of such poor shall be brought to the credit of that account at the end of every year: That the expences of victuals, beer, and firing, for the poor and the governor, [and for the assistants, *when any shall be found necessary,*] in every such house or houses, with their small incidental expences, shall be proportioned, at the end of every month, according to the number of poor who shall be sent from each of the said respective parishes, townships, and places, and for the time they shall have resided there within such month: That the guardians of the poor of each of the said parishes, townships, or places, shall be at liberty to withdraw from this agreement at the end of the first three years, or any succeeding three years, on giving twelve months' notice of such their intention if it shall be so determined by the four fourth parts of the owners or occupiers of lands, tenements, or hereditaments, assessed to the poor's rates, and notified as aforesaid at a public meeting, summoned by due notice as aforesaid, specifying the occasion of such meeting; and in such case, they shall receive one half of their due proportion, to be ascertained by the persons above named, or by such other persons as the parties shall agree upon for that purpose, of the value of the furniture, stock, utensils, and

We, *A. B.* and *C. D.*, the justices of peace mentioned in the within-written agreement, do hereby give our approbation to the parishes and places herein-named being united for the purposes of the act within mentioned.

Witness our hands, this _____ day
of _____

No. V.

Be it remembered, That on the _____ day of _____
A. B. deposited in my hands a copy of the agreement made between the churchwardens and overseers of the poor of _____ parishes or townships of _____ and _____
[as the case shall be] in the county, *et cetera*, *[as the case shall be]* of _____ for uniting in hiring, purchasing, building houses, at or near _____ in the said county, *et cetera*, and providing for the maintenance and employment of a certain description of poor persons belonging to said parishes, townships, and places, pursuant to the statute made in the twenty-second year of the reign of His Majesty King George the third.

No. VI.

Notice is hereby given, That a public meeting, to consult the owners or occupiers of lands, tenements, or hereditaments assessed after the rate of five pounds *per annum*, at hiring, purchasing, or building [*as the case shall be*] a house or houses, and providing for the maintenance and employment of the poor, pursuant to the statute of the twenty-second of *George* the third, will be held at _____ day of _____ at _____ in the forenoon.

No. VII.

Form of appointment of a guardian.

A. B. and *C. D.*, two of His Majesty's justices of the
 for the county of _____ acting for the hundred,
we, of _____ in the said county, do hereby
 at *E. F.* of _____ to execute the office of
 ian of the poor for the parish, *et cetera* of
 the said hundred, *et cetera*, for one year, to be com-
 from _____ to which he has been recom-
 at a public meeting holden the _____ day of
 pursuant to the directions of the act, passed in
 renty-second year of the reign of His Majesty King
 the third, *for the better relief and employment of the*

Given under our hands, this
 day of _____

[*The like form for visitor, only varying the description
 of the office, and when appointed for united parish-
 es, et cetera, name them.*]

[*The like form for appointing a governor and treasurer,
 only varying that of a treasurer, by adding, to
 which he has been recommended by the guar-
 dians.*]

No. VIII.

*of a draft by the guardian on the churchwarden or overseer
 appointed to collect the poor's rates.*

A. B. Collector of the Poor's Rates of the Parish [*or
 hip*] of _____ [*as the case shall be*].
 are hereby authorized and directed to pay to *C. D.* the
 _____ for [*here describe the occasion of
 yment, whether for house-rent, clothing, or for weekly
 of poor persons, et cetera, et cetera, as the case shall be,*]
 ke his receipt for the same, which will be your discharge
 h payment. Dated this _____ day of _____

E. F.

Guardian of the poor for the parish
 [*or township*] aforesaid.

No. IX.

Form of appointment of a deputy visitor.

B., visitor of the poor and poor-house for the parish,
ip, et cetera, of _____ [*or for the united parishes,*

4

townships, *et cetera*, of _____ and _____
in the county of _____ do hereby nominate
appoint *C. D.* to be my deputy visitor and assistant, du
my will and pleasure, pursuant to the power given to m
an act, passed in the twenty-second year of the reign of
Majesty King *George* the third, (intituled *An act for the l*
relief and employment of the poor,) and authorize him to
charge the duty required of him by the said act.

Witness my hand, this day of

No. X.

Form of certificate of serving the office of visitor.

I, *A. B.*, one of His Majesty's justices of the peace for
county, *et cetera* [as the case shall be] of
hereby certify, That *C. D.* of _____ is
said county, hath been appointed to, and is now serving
the office of visitor of the poor for the parish or town
of _____ [or for the parishes and towns
of _____] in the said county [as
case shall be] pursuant to the direction of the act passed in
twenty-second year of the reign of His Majesty King George
the third. Dated this _____ day of _____

No. XI.

Form of security for money borrowed.

By virtue of an act made in the twenty-second year of reign of His Majesty King George the third, (intituled *for the better relief and employment of the poor*), we *A* visitor, and *C. D.* guardian of the poor for the parish township, *as the case shall be*] of *E.* in the county, city *cetera*, of _____ in consideration of the sum of _____ to us in hand paid by _____ for the purpose of] chasing, building, erecting, repairing, fitting up, or furnishing, *et cetera*, [*as the case shall be*] a convenient house, buildings, and offices, for the reception, accommodation, and ployment of the poor of the said parish, or township, and providing suitable stock and utensils for that purpose hereby charge the poor's rates to be hereafter made, and several sums of money to be raised thereupon, within the parish [*or township, as the case shall be*] with the payment the said principal sum, and interest after the rate of _____ *per centum, per annum*, half-yearly, as the same become due.

No. XII.

Form of order for admission of paupers.

To the governor of the poor-house at *E.*
 hereby ordered and required to receive *A. B.* [*de-*
cker age, and whether married or single] a poor per-
 son to the parish [*or township, as the case shall be*]
 in the county of *D.* into the poor-
 house, and to accommodate and provide for such person
 in manner, according to the rules and establishment
 of the said poor-house.

Given under my hand, this day
of 19

H. B.

Visitor, [or guardian, as the case shall be.]

No. XIII.

of the justice's direction to excuse the badge.

, a justice of peace for the county [riding, division,
the case shall be] of _____ having received
 oath before me, that C. D. a poor person receiv-
 relief from the parish [township, *et cetera, as the*
] of _____ in the county, *et cetera*, of
 a person of very decent and orderly behaviour, do
 elect the guardian [*or overseer, if no guardian*] of
 or the said parish, *et cetera*, to omit putting the
 the coat [*or gown, if a female*] of the said C. D.
 use his [*or her*] wearing the same, as long as he
 all continue to behave orderly and decently.

Dated this _____ day of _____

No. XIV.

the transfer of the security for the money advanced.

transfer this security, with all my right and title to
all money hereby secured, and to all the interest
or hereafter to be due, unto C. D. his executors,
administrators, and assigns. Dated this day of

A. B.

E F.

No. XV.

*Justing the first account mentioned in the act, respect-
utensils, materials, furniture, rent, et cetera.*

be supposed that the parishes or townships of *A.*,
and *D.*, have agreed to be united under the authority

be computed whether the payments by the several parishes have amounted to more, or less, than the sum expended to more the guardian of each parish should receive, less, he should pay his proportion thereof to the treasurer to be computed according to the first account, as directed by the act.

Rules, Orders, By-laws, and Regulations, to be observed and enforced at every Poor-House to be provided and established under the authority of the act of the twenty-second year of King *George* the Third.

First. That the several persons who shall be sent to such poor-house, who are capable of doing any work, shall be employed by the governor in some labour which may be suited to their strength and capacity.

Second. That the governor shall take particular care to keep the said house, and the several apartments therein, clean and wholesome; and for that purpose he shall employ such the said poor persons who shall be sent thither, who shall think most able and best qualified for the office to assist him therein, and also in the providing and dressing victuals for the use of such poor persons; and if any poor person shall refuse or neglect to perform the work directed to do by the governor, every such person shall be punished by confinement, or alteration of diet, in such manner as the governor shall direct; and for a second offence of the like sort, complaint thereof shall be made to the justice of the peace for the limit, who, on conviction, shall commit such person to the house of correction for any time not exceeding two calendar months, nor less than one calendar month.

Third. That the apartments in the house or houses provided as aforesaid, shall be adapted so as to accommodate the poor who shall be sent thither in the best manner they are capable.—That the governor shall place in the apartments such poor persons who, having been credible housekeepers, are reduced by misfortune, in preference to those who are become poor by vice and idleness; and separate apartments shall be provided for the reception of sick and distempered poor, and an apothecary or surgeon.

ment for to attend them when there shall appear necessity
 'k, at the expence of the parish or place to which such
 r persons belong.

Fourth. That such poor persons who are able to work, shall
 called up by ring of bell, and set to work by six in the
 ning from *Lady-day* to *Michaelmas*, and by eight from
Michaelmas to *Lady-day*; and continue until four in the after-
 n from *Michaelmas* to *Lady-day*, and from *Lady-day* to
Michaelmas till six in the afternoon (meal times and times
 reasonable recreation excepted); and if any such poor
 ion shall refuse or neglect to do such work as shall be
 tted him or her, or wilfully spoil the same, or depart
 n such house without leave from the governor, or shall
 guilty of any disorder or disobedience to these rules and
 ers, the governor shall reprove such person for the same,
 punish him or her by confinement or alteration of diet,
 the said governor shall think fit; and if such person shall
 guilty of the like offence a second time, the governor shall
 explain thereof to the visitor of such house, who is hereby
 horized to order the punishment of confinement to be in-
 used to such degree as he shall think fit.

Fifth. That the governor shall enter in a book to be kept
 him, an account of the household goods, linen, furniture,
 l utensils, provided for the said house; and also an ac-
 unt of the materials bought for manufacture, and of the
 ods manufactured there; which shall be laid before the
 ardians at their monthly meeting, and before the visitor
 whenever he comes to such house.

Sixth. That the governor shall visit the several persons
 intained in such house or houses, and their apartments,
 ce at least in every day; and shall take care that there is
 waste of fire, candles, or provisions; and shall see that
 e fires and candles are put out at the hours fixed for such
 reons going to bed, which shall be at eight of the clock be-
 een *Michaelmas* and *Lady-day*, and nine between *Lady-day*
 d *Michaelmas*.

Seventh. That when any person shall die in the house, the
 vernor shall take care that the body of such person be im-
 mediately removed into some separate apartment, and be
 sently buried, as soon as conveniently may be; and also
 e care of the clothes and goods of such person, and deliver
 m to the guardian of the poor of the parish or place to
 ich such person did belong, who is to pay the charges of
 funeral of such poor person.

Eighth. That no poor person be permitted to go out of a poor-house, nor any person permitted to come into a house or houses, except the persons maintained and employed there, without the permission of the governor; and that spirituous liquors be permitted to be drunk in such houses; and that no other liquors shall be brought into the house without the permission of the said governor.

Ninth. That the rules, orders, and bye-laws shall be publicly read by the governor to all the poor persons kept in the house or houses, once at least in every month.

Tenth. That all the poor persons able to go to church attend divine service every Sunday.

Eleventh. That the governor shall dismiss from the house or workhouse, every person who shall, in the opinion of the guardian or guardians, be thought improper to continue longer there, and upon an order from him or her for that purpose.

[23 Geo. 3. c. 23.]

An Act to prevent Prisoners in the King's Bench Prison Rules thereof, or their Families or Servants, gaining Maintenance in the Parish of Saint George the Martyr, in the Borough of Southwark, and County of Surrey; and Relief of the said Parish, with respect to the Families of Prisoners in the said King's Bench or the Marshalsea Prison in the County Gaol, or House of Correction belonging to the said County; for regulating the manner of choosing the Poor; and for appointing Collectors of the Poor within the said Parish.

“WHEREAS there are situate within the parish of Saint George the Martyr in Southwark, in the county of Surrey, the following prisons; (videlicet) the King's Bench prison of His Majesty's palace court, called *The Marshalsea*, the common gaol of the said county of Surrey, called *New Gaol*, and the house of correction for the said county, called *The New Bridewell*: And whereas the rules of the King's Bench prison extend over the whole of the said county except a small part thereof; and great numbers of prisoners are permitted to live out of the said prison, but within the said rules; many of whom, with large families, and

instances, rent houses, or parts of houses, or dy-furnished, which making them liable to be pay parish rates and taxes, they would thereby ents, and many of which prisoners and their families become chargeable to the said parish, and of and grievous burthens on the inhabitants : And y persons gain settlements in the said parish, by uly hired servants with prisoners residing within son, or the said rules, several of which servants n of bad character, become, together with their ren, chargeable to the said parish : And whereas of persons being prisoners in the *Marshalsea* pri- gaol, or house of correction, are frequently sent id prisons sick, or otherwise distressed, to the the poor of the said parish for relief, and are by ted, and, when able, removed to their respective ttlement, if the same can be found out ; which heavy expences on the said parish, some of such ttlement having proved to be at very great dis- the said parish : And whereas the several extra- pences before mentioned greatly enhance the dis- said parish, the poor of which are very numerous, abitants chiefly tenants at rack rent, and very ed in all respects ; and the said parish, being the e to *London* from *Portsmouth*, *Dover*, and other travellers, and poor persons of every description, lge in the said parish, in houses let by the owners ; thereof in tenements, or in parcels, to under- in lodgings or separate apartments, whereby the casual poor are much increased : And whereas he said parish, both in and out of the workhouse, ore properly employed and maintained, if the er of overseers of the poor were not to be ap- ne and the same time in every year ; and as the collecting the money on the poor's rates within sh requires more than ordinary attendance and would be a great relief to the inhabitants serving s office of overseer, and might be a means of the ing more strictly collected, if power was given r of the said parish to appoint collectors of the :” Wherefore, for the relief and convenience of ish, may it please Your Majesty that it may be id be it enacted by the King's most excellent Ma- l with the advice and consent of the lords spi- mporal, and commons, in this present parliament und by the authority of the same, That from and ssing of this act, no person or persons whomso- a prisoner or prisoners, or who shall hereafter

How far pri-
soners in
King's Bench
or rules, not

to gain settlements.

become a prisoner or prisoners in the *King's Bench* prison, or the rules thereof, shall gain or be adjudged or deemed to gain a settlement in the said parish of *Saint George the Martyr*, in the borough of *Southwark*, in the county of *Surry*, in the borough of *Southwark*, in the county of *Surry*, renting a house, part of a house, lodging, furnished or unfurnished, or any other premises whatsoever, within the said parish, or by being rated to and paying any rates or taxes in the same, whilst he, she, or they shall be such prisoners; nor shall any person or persons gain, or be adjudged or deemed to gain, a settlement within the said parish, by or by reason or on account of living, or having resided with any prisoner or prisoners, within the said parish, or the rules thereof, as or in the capacity of a servant; any law, statute, usage, or custom, to the contrary notwithstanding,

Relief given by parish to families of prisoners in *King's Bench* and *Marshalsea* repaid by their respective parishes, how recovered. See 53 G. 3. c. 113.

II. And be it further enacted, That whenever any person or persons, being a prisoner or prisoners in the said prison, or the rules thereof, or in the prison of *Marshalsea*, or any person or persons being a part of the family of any such prisoner, or being a servant or servants to any such prisoner, shall be relieved, or removed to their respective places of settlement by the said parish of *Saint George the Martyr*, or shall in any way be burthensome to the said parish, all such charges and expences as shall be actually incurred and paid by the overseers of the poor, or vestry of the said parish, or the above accounts, shall be borne and repaid by the overseers by the respective parishes and places to which they shall belong; and shall and may be, by them or by any of them, recovered of and from any overseer of the poor of the said parish or place, by action of debt, bill, or promissory note, or otherwise, in any of His Majesty's courts of record in *Westminster*, or within the city of *London*, to be commenced and prosecuted by the churchwardens and overseers of the poor of the said parish, or one of them; in which action no protection, essoin, or wager of law, or more delay than imparlance shall be allowed; every account of such charges and expences being first examined and signed by a justice of the peace, acting in and for the eastern half hundred of *Southwark*, and borough of *Southwark*, in the county of *Surry*, being an inhabitant of the said parish.

Relief to families of prisoners in county gaol or house of correction, repaid by

III. And be it further enacted, That if any person or persons, belonging to, or being part of the family of any prisoner or prisoners in the said county gaol or house of correction, shall become chargeable to the said parish, either for

or to be removed to their settlement, all charges incurred by the said parish, shall be repaid to of the poor of the said parish by the treasurer of ty of *Surrey*, out of the money belonging to the and in order thereto, the overseers of the poor rish shall, once in every year, or oftener if they t, make out a clear and particular account in ch expences as shall, to the time of making out , have been incurred and paid, or provided for by of the poor of the said parish, on account of the rsons who shall have been so relieved or suppe said parish, or removed from thence to their lement; which account the said overseers shall, the same, lay before two of the justices of the eastern half hundred of *Brixton*, and borough , in the said county of *Surrey*, not being inha- said parish, who shall, and are hereby required, ion being made to them for that purpose, inspect , and, if they think it necessary, examine the , or any of them, or their books or accounts, the charges in the account laid before them; e said account shall appear to such justices to be unreasonable, they shall immediately sign and ie; which account, being produced and delivered er for the said county for the time being, shall it warrant and authority to him for paying the ein contained, and which he is hereby required and; all which sums of money, so to be from allowed. paid, shall be allowed in account to him, as trea- said county of *Surrey*.

treasurer of
county.

e it further enacted, That all and every person whether owner, lessee, landlord, renter, or te- all let his or her house, tenement, or other pre- the said parish, ready-furnished, or in parcels, artments, or in lodgings furnished or unfurnish- eemed the occupier thereof, and shall be subject and pay the poor's rates, and all other parochial es of the said parish; which rate or rates, as- sements, shall be paid by the person or per- or occupying any such ready-furnished house, or cel or separate apartments, or ready-furnished d the person or persons, occupier or occupiers, same shall be demanded, is and are hereby au- required to pay such sum and sums of money as ted or assessed upon the owner, lessee, landlord, ant, and to deduct the same out of his, her, or ive rent or rents; and such owner, lessee, land- or tenant, is and are hereby respectively re-

Owners of di-
vided houses
answerable
for rates.

quired to allow such payment upon the receipt of the residue of his, her, or their respective rent or rents; and every person or persons, occupier or occupiers, paying such rates, rates, assessment or assessments, shall be acquitted and discharged, of and for so much of his, her, or their rent or rates as the said rate or rates, assessment or assessments, so paid by him, her, or them, shall amount unto, as if the same had been actually paid to the person or persons to whom his or her rent shall be due and payable; and in default of payment of the said rate or rates, assessment or assessments, the same shall be and remain a charge upon the premises in respect whereof the same shall be so rated or assessed, and shall not be recovered of and from such owner, lessee, landlord, renter, or tenant respectively, by action of debt, bill, plea, or information, in any of His Majesty's courts of record at *Westminster*, or in the court of requests holden in the town or borough of *Southwark*, in the county of *Surrey*, to be commenced and prosecuted by the churchwardens and overseers of the poor of the said parish for the time being, or one of them; in which action or suit, no protection, essoin, or writ of law, or more than one imparlance shall be allowed.

Overseers,
how appointed.

V. And be it further enacted, That on *Easter Tuesday* one thousand seven hundred and eighty-three, the inhabitants of the said parish of *Saint George the Martyr*, assembled in vestry, shall nominate four substantial householders to serve the office of overseer of the poor of the said parish, and shall cause a list of the names of the said four persons to be delivered to the justices of the peace acting in and for the eastern hundred of *Brixton*, and borough of *Southwark*, in the county of *Surrey*, at the next ensuing petty session, for the appointment of two of the said four persons to be overseers of the poor of the said parish; who shall continue in their office until *Easter Tuesday*, one thousand seven hundred and eighty-four, and until the petty session then next following when two others shall be appointed in manner aforesaid, to act in their steads: Provided nevertheless, that two of the present overseers, *videlicet*, *Joshua Lee* and *Alexander Charnley*, shall continue in their said office of overseer until two others are appointed at the time hereinafter mentioned, and no longer; and that on the twenty-ninth day of *September* one thousand seven hundred and eighty-three, the inhabitants of the said parish in vestry assembled, shall nominate four substantial householders of the said parish, to serve the office of overseer of the poor of the said parish for the year ensuing, and shall cause a list of such four persons to be delivered to the said justices at their next petty session, who shall appoint two of the four so nominated, to be overseers in the room of the said *Joshua Lee* and *Alexander Charnley*; provided that notice

to be given in the said parish church, on the *Sunday* next *Easter Tuesday*, and the twenty-ninth day of *September*, every year, for the inhabitants to meet in vestry on *Easter* day, and the twenty-ninth day of *September* annually, for the purpose of choosing overseers of the poor of the said parish and that for the future the overseers of the poor of the said parish shall continue to be nominated and appointed at such times and in manner as is hereinbefore directed, and not otherwise: Provided always, that if the twenty-ninth day of *September* shall happen to be on a *Sunday*, then the nomination on the next day; and that if no petty session shall be held within one month after *Easter Tuesday*, or within one month after the twenty-ninth day of *September* respectively, two justices, dwelling within or near the said parish, shall, being applied to for that purpose, appoint two persons of each list, as directed by this act to be made, to be overseers of the poor of the said parish for the year ensuing; and if an overseer shall die, or remove out of the said parish, the justices may, on application as aforesaid, appoint another in the room of him so deceased or removed; and that all overseers of the poor of the said parish so chosen, shall be subject to the several laws relating to the office of overseer.

Notice of vestry to choose overseers.

And be it further enacted, That it shall be lawful for the collector, churchwardens, overseers of the poor, and vestry of the said parish of *Saint George the Martyr*, or the major part of them, at a public meeting to be held for that purpose, the major part not being less than nine, and they are hereby authorized and empowered, from time to time, as they think fit, to choose and appoint one or more fit persons to be collector or collectors of the poor's rates of the said parish, and such collector and collectors is and are by this act authorized and empowered to collect and levy the same accordingly; and for the better enabling him or them so to do it shall be lawful for such collector and collectors to execute all such warrants of distress as shall be granted or issued from time to time by the justices of the peace, against the persons neglecting or refusing to pay the said rates, in the same manner, and as fully and effectually, to all intents and purposes, as overseers of the poor, by any law or laws, or may execute like warrants for recovering the rates due for the relief of the poor; and the said vestry, or major part of them as aforesaid, at any such meeting to be held as aforesaid, shall and may, from time to time, as they think fit, remove any such person or persons from being collector or collectors of the said rates, and appoint another person or persons in his or their room or stead; and shall and may, out of such rates, make such allowance to

Vestry may appoint collectors of poor's rates.

the collector and collectors, for his and their trouble in lecting the same, either by way of salary or poundage, a said vestry, or the major part of them as aforesaid, shall t fit, so as such poundage do not exceed sixpence in the po and they are hereby required to take sufficient security every such collector for the faithful accounting for all monies as he shall receive by virtue of his said office; such collector and collectors shall, and he and they is and hereby empowered and required to collect the said rates, w and as often as any rate or assessment shall be made for t purpose, and from time to time to pay over such monies so them respectively collected, into the hands of the overseen the poor of the said parish, or any two of them, to be appl for the benefit and relief of the poor of the said parish; t the said collectors shall respectively make up and render the said vestry, four times in every year, or oftener, if the unto required, a full, true, and perfect account, upon a (which oath the said vestry, or any five or more of them, hereby impowered and required to administer), of all the nies so collected and received by them respectively; and Refusing to account, committed. such collector or collectors shall refuse or neglect to give h just account as aforesaid, or to pay the monies remaining his or their hands in the manner aforesaid, it shall be law for any two justices of the peace for the eastern half hund of *Brixton*, and borough of *Southwark*, in the said county *Surrey*, upon complaint made to them by any one of churchwardens or overseers of the poor of the said parish, t proof thereof by any one or more of them, upon oath (wh oath the said justices are hereby impowered and required administer) by warrant under their hands and seals, to co mit such collector or collectors to the common gaol, there remain without bail or mainprize, until he or they shall h made a true account, and until such money, as upon the account shall appear to be remaining in his or their ha shall be paid and satisfied by such collector or collectors, by his or their security or securities, or shall have compos ed for the same, and have paid such composition mo unto the overseers of the poor of the said parish appoi ed as aforesaid; and which composition the said vest or the major part of them as aforesaid, are hereby impowe to make.

Expenses of act, how paid.

VII. And be it further enacted, That the charges and pences in and about procuring and passing this act, shall forthwith paid by the overseers of the poor of the said pari of *St. George the Martyr*, out of any parish money now in, hereafter to come into their hands, which shall be allowed their account.

III. And be it further enacted, That no nomination, Stamp. intment, order, judgment, conviction, warrant, or other ing whatsoever, relating to the execution of or in pursue of this act, shall be chargeable with any stamp duty moever.

K. And be it further enacted, That no action or suit shall Limitation of commenced or brought against any person or persons for actions. thing done in pursuance of this act, or of any of the ers hereby given, or any ways in relation to the premises, twenty-one days' notice shall have been thereof given riting to the vestry clerk of the said parish, nor after action or tender of amends shall have been made; and y such action or suit shall be commenced and brought in the space of six calendar months next after the cause omplaint shall arise, and not afterwards, and shall be and brought in the county of *Surrey*, and not elsewhere; the defendant or defendants, in such action or suit, shall General is- may plead the general issue, and give this act, and the sue. ial matter, in evidence on any trial to be had thereupon: if it shall appear to be done in pursuance of this act, or such action or suit shall be brought before twenty-one ' notice being given as aforesaid, or after the time here- fore limited in that behalf, or shall be brought in any r county or place than as aforesaid, then the jury shall for the defendant or defendants; and upon such verdict, f the plaintiff or plaintiffs shall be nonsuited, or shall ntinue his, her, or their action or suit after the defen- or defendants shall have appeared, or if, upon demurrer, ment shall be given against the plaintiff or plaintiffs, defendant or defendants shall and may recover treble Treble costs. s, and have and be entitled to the like remedy for the s, as any defendant or defendants hath or have in other s by law.

L. Provided always, That in all such actions or suits Inhabitants of the inhabitants of the said parish, whose evidence witnesses. be necessary, shall be, and are hereby declared to be petent witnesses, notwithstanding they may be charged nd pay any of the rates or taxes within the said parish.

LI. And be it further enacted, That this act shall be Public act. en and allowed in all courts of justice as a public act; and judges and justices are hereby required to take notice reof as such, without specially pleading the same.

[28 Geo. 3. c. 49.]

An Act to enable Justices of the Peace to act as such, in Cases, out of the Limits of the Counties in which they are.

“Whereas, the administration of justice is frequer-
 structed for want of resident justices of the peace, and
 be much furthered in case the justices acting for two
 adjoining counties are enabled to act for the same,
 sonally present in either of those in which they act
 remedy whereof, in future, may it please Your Maje-
 it may be enacted; and be it enacted by the King
 excellent Majesty, by and with the advice and consent
 lords spiritual and temporal, and commons, in this
 parliament assembled, and by the authority of the
 That, from and after the passing of this act, it sh-
 may be lawful for any justice or justices of the peace
 as such for any two or more counties being adjoining
 ties, to act as a justice or justices of the peace in all
 and things whatsoever, concerning or in anywise relat-
 any or either of the said counties; and that all act or
 such justice or justices of the peace, and the act and
 any constable or other officer in obedience thereto, sh-
 valid, good, and effectual in the law, to all intents a-
 poses whatsoever, as if such act or acts of the said ju-
 justices had been done in the county or counties to
 such act or acts more particularly relate; and all co-
 and other officers of the said county or counties to whi-
 act or acts relate, are hereby authorized and required
 the warrants, orders, directions, act and acts of such
 or justices so granted, given, and done, and to do
 form their several offices and duties, under the pe-
 nalties to which any constable or other officer
 liable for a neglect of duty: Provided always, that su-
 tice or justices be personally resident in one of the sai-
 ties at the time of doing such act or acts: Provid-
 that the warrants, orders, or directions, so to be gi-
 granted, be directed and given in the first instance
 constable or other officer of the county to which t-
 more particularly relate.

Justices may
 act for two
 adjoining
 counties. See
 1 & 2 G. 4. c. 68.

If they reside
 in either, at
 the time of
 acting.

Constables,
 &c. may carry
 offenders
 before jus-

II. And be it further enacted by the authority af-
 That, from and after the passing of this act, it sh-
 may be lawful for any constable, tythingman, headb-

or other peace officer, or any other person or persons apprehending or taking into custody any person or persons offending against law, and whom they lawfully may and ought to apprehend and take into custody by virtue of his or their office or offices, or otherwise howsoever, to convey and take the person or persons so apprehended or taken into custody as aforesaid, to any justice or justices of the peace acting for the said county, and resident in such adjoining county, as aforesaid; and the said constables, tythingmen, headboroughs, and other peace officers, and all and every other person or persons, are hereby authorized, empowered, and required, in all such cases, so to act in all things as if the said justice or justices of the peace was or were resident within the said county to which they respectively belong; and all and every person or persons obstructing or hindering the said constables, tythingmen, headboroughs, or other peace officers, in the execution of their respective offices, in the said county or counties adjoining as aforesaid, shall be, and are hereby made liable to the same pains and penalties, for such obstruction and hindrance of the said officers in the execution of their respective offices, as if the same had been committed in the county for which the said constables, tythingmen, headboroughs, or other peace officers, were appointed to act.

Justices acting for the county, and resident in the adjacent counties, &c.

III. And be it further enacted by the authority aforesaid, that, from and after the passing of this act, it shall and may be lawful for any sheriff, or other person or persons deputed by him, or acting under his authority, constable, headborough, tythingman, or other peace officer, or any other person or persons lawfully taken into, or having in his or their custody respectively, any person or persons offending against law, and whom he or they may or might lawfully convey to gaol, or any place of safe custody, to convey or take the said person or persons so in custody as aforesaid, into and through any part or parts of the said county or counties so adjoining in their way to such gaol or place of safe custody within the county wherein such offence was done or committed; and all and every person or persons escaping from such custody as aforesaid, or aiding or assisting such escape or escapes, or rescuing such person or persons so in custody as aforesaid, shall be subject to the like pains and penalties for such escape or escapes, and for such aid and assistance so given as aforesaid, and for such rescue and rescues, as if the said escape or escapes had happened, or such aid and assistance had been given, or such rescue or rescues made, in the county wherein such offence was done or committed.

Sheriffs, &c. may convey offenders through adjoining counties, to the gaol of the county where the offence was committed.

"IV. And whereas by an act passed in the ninth year of 9 Geo. 1. c. 7.

y, it shall and may be lawful to and for any of His justices of the peace, or any physician, surgeon, or y, for that purpose authorized by warrant under the seal of any such justice or justices, or for the offic- gyman of the parish or place, duly authorized as at all times, in the day time, to visit any parish e, or house kept or provided for the maintenance r of any parish or place, within the county, riding, r division, wherein such justice or justices shall be nd shall have jurisdiction, to examine into the state tion of the poor people therein, and the food, cloth- edding of such poor people, and the state and con- such house or houses; and if upon any such visita- aid justice or justices, or persons duly authorized as shall find any cause or occasion of complaint, that in such case such justice or justices, or persons duly d as aforesaid, shall, and they are hereby authorized owered, if he or they shall think fit, to certify the condition of such workhouse or poor-house, and of the poor therein, and of their food, clothing, and to the next quarter sessions of the peace to be held county, riding, liberty, or division, wherein such e or poor-house shall be situate, under his, or their l seals respectively; and such justice or justices, or sons duly authorized as aforesaid, shall cause the of the poor, or master or governor of the said e or poor-house of such parish or place, to be sum- appear at the same sessions, to answer such com- nd the justices assembled at such quarter sessions, g the parties on any such complaint, shall and may, are hereby authorized to make such orders and is, for the removing of any cause of complaint con- such certificate as aforesaid, as to them shall seem id all the parties concerned shall, and they are quired to abide by and perform such orders and re- as shall be so made by the justices at the said ses-

visit work-
houses, and
certify the
state of the
poor to the
next quarter
sessions, &c.

Justices at
the quarter
sessions to re-
move causes
of complaint.

vided always, and be it further enacted by the aforesaid, That in case any justice or justices of the persons duly authorized by warrant as aforesaid, n any such visitation, find any of the poor in any rkhouse or poor-house afflicted with any contagious ork disease, or in want of medical or other assistance, ficient and proper food, or requiring separation or from the other poor in the said house, then and in :or cases, if such visitation shall be made by a justice ce, it shall and may be lawful to and for such justice,

If in such vi-
sitation any
of the poor
should be
found afflict-
ed with con-
tagious dis-
eases, &c. ap-
plication to
be made to
the justices
of the divi-
sion, who are
to give order

for immediate relief,
&c.

and he is hereby directed and required to apply to more other justice or justices of the peace in the riding, liberty, or division, and certify to him or the state and condition of the poor in such parish workhouse or poor-house; or if such visitation shall be made by the duly authorized as aforesaid, then, and in such case or it shall and may be lawful to and for such persons, are hereby directed and required to apply to two or more justices of the peace in such county, riding, liberty, or division and thereupon the said justices shall and may, and they are hereby authorized to make such order for the improving procuring medical or other assistance, or of sufficient proper food, or for the separation or removal of the poor as shall be afflicted with any contagious or infectious disease, in such manner as they the said justices, under their hands and seals, shall think proper to direct, until the next quarter sessions of the peace to be held in and for the county, riding, liberty, or division, wherein such workhouse or poor-house shall be situate; at which quarter sessions of the peace the said two justices are to certify the same, their hands and seals respectively, to the justices assembled at such quarter sessions, who are hereby authorized and required to make such order for the further relief of the poor in such parish workhouse or poor-house, as to the justices assembled at such quarter sessions shall seem meet and proper; and the charges and expences of relieving such poor are hereby directed to be paid out of the poor's rate in such parish, in such manner as the said justices assembled at quarter sessions shall direct.

Expences of relief to be paid out of the poor's rate.

Not to extend to workhouses regulated by act of parliament.

III. Provided always, That nothing herein contained shall extend, or be construed to extend, to any poor-house or workhouse in any district or districts which have been or may be hereafter incorporated or regulated by any special act or acts of parliament.

[32 Geo. 3. c. 45.]

An Act to explain and amend an Act, made in the Seventh Year of the Reign of His late Majesty King George the Second, intituled An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other disorderly Persons, and to Houses of Correction.

[Repealed by 5 Geo. 4. c. 83. s. 1, 2.]

[32 Geo. 3. c. 57.]

An Act for the further Regulation of Parish Apprentices.

Whereas by an act, passed in the forty-third year of the 43 Eliz. c. 2.
 of Queen Elizabeth, intituled *An act for the relief of the*
 it is (amongst other things) enacted, That it shall be
 for the churchwardens and overseers of the poor of any
 parish, or the greater part of them, by the assent of two jus-
 tices of the peace, to bind any children, whose parents they
 judge to be not able to keep and maintain such children,
 as apprentices, where they shall see convenient, till such
 a child should come to the age of twenty-four years, and
 a woman-child to the age of twenty-one years, or the
 day of her marriage, the same to be as effectual to all pur-
 poses, as if such child were of full age, and by indenture or
 covenant bound him or herself: And whereas by an act, made
 in the eighth and ninth years of the reign of King William, 8 & 9 W. 3. c.
 intituled *An act for supplying some defects in the laws for the* 30. and
relief of the poor of this kingdom; after reciting, that, there
 was doubt whether the persons to whom such children were
 so bound, under and by virtue of the said statute of the
 forty-third year of the reign of Queen Elizabeth, were com-
 petent to receive such children as apprentices, that law had
 failed of its execution, it was therefore enacted, That where-
 as poor children should be appointed to be bound appren-
 tices, pursuant to the said act of Queen Elizabeth, the persons
 to whom they are so appointed to be bound apprentices, shall
 receive and provide for them, according to the indenture
 signed and confirmed by the two justices of the peace, and
 also execute the other part of the said indentures, under the
 penalty, in case of refusal, of the forfeiture of ten pounds for
 every such offence, to be levied of the goods of the offender,
 in the manner mentioned in the said act: And whereas by an
 act passed in the eighteenth year of the reign of His present
 Majesty, intituled, *An act to amend such part of an act, made* 18 G. 3. c. 47.
in the forty-third year of the reign of Queen Elizabeth, intituled recited.
An act for the relief of the poor, as relates to the binding of pa-
rish apprentices, it was enacted, That when any man-child should
 be bound to be an apprentice, by virtue of the said act made
 in the forty-third year of the reign of Queen Elizabeth, such
 child shall be bound to be an apprentice for no longer term
 than till he shall come to the age of twenty-one years: And
 whereas in such indentures of apprenticeship, it hath been
 usual to insert several agreements and covenants to be done

and performed by the several parties thereto; (that an agreement on the part of the apprentice that he fully serve his master during the term of such apprenticeship, and also several covenants on the part of the master, his executors and administrators, that he the master will teach or cause to be taught such apprentice in the business of husbandry, or in the craft, mystery, or trade, in which such master then useth, as the case may be, and which such master shall also, during the term of such apprenticeship, find and allow unto such apprentice sufficient maintenance, apparel, lodging, and all other things needful for and during such term: And whereas, in the event of the death of the master during the term of such apprenticeship, the covenant for service on the part of the apprentice is not dissolved, but the covenant for maintenance on the part of the master still continues in force, as far as the master's assets will extend, or doubts have arisen with respect thereto, in consequence thereof, such apprentices do frequently on the death of their master leave their master's house, and, being in idleness, return again and become a burden on the parish or on the master's effects, and so from time to time as they thus return, which is attended with great inconvenience and burthen to the family and personal representatives of such master, and is at the same time an inducement to such apprentices to continue in a disorderly and idle course of life: And whereas several powers given to justices of the peace for the ordering of parish apprentices, by the several acts in that behalf made for that purpose, do cease and determine on the death of the master, for which a remedy ought to be made: And whereas several other regulations are necessary to be made respecting parish apprentices: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and by the authority of the commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of January next, one thousand seven hundred and ninety-two, in the case of the death of any master or mistress of any parish apprentice, during the term of such apprenticeship, upon the bond of which apprentice no larger sum than five pounds or shall be paid, such covenant as is before mentioned for the maintenance of such apprentice, inserted in the indenture of apprenticeship by which such apprentice shall have been bound, shall not continue and be in force for any longer time than for three calendar months after the death of such master or mistress, and that during the said three calendar months such apprentice shall continue to serve with and serve as an apprentice, the executors and administrators of such master or mistress, some or one of

From July 1, 1792, covenants for maintenance of parish apprentices with whom no more than 5*l.* shall be given, to continue in force no longer than three months after the death of the master, &c.

or persons as such executors or administrators, of them, shall appoint; and the master or mistress such apprentice shall accordingly serve during the calendar months, and also such apprentice shall time be subject and liable to all the laws which shall be in force for the better government and regulation of apprentices: And that in all such indentures of apprenticeship as aforesaid, which shall be made on and after the first day of July one thousand seven hundred and ninety-two, there shall be annexed to the said such indentures to be entered into on the part of the master or mistress of such apprentice, for such maintenance aforesaid, a proviso declaring, that such covenant shall be made to continue and be in force for any longer time than for three calendar months next after the death of the master or mistress, in case such master or mistress shall die during the term of such apprenticeship; which proviso shall be in the form or to the effect mentioned in the schedule hereunto annexed, and marked with the letter A, and in case such proviso shall happen to be omitted in any such indenture, the covenant therein contained shall be deemed and taken to continue and be in force for a longer time than for three calendar months next after the death of such master or mistress, in case such master or mistress shall die during the term of such apprenticeship: and any thing in any such covenant to the contrary notwithstanding.

Proviso to that effect to be annexed to covenant, but if omitted, the covenant to continue no longer in force.

And whereas it is just and reasonable, that such apprentice as aforesaid, in case of his master's death during his apprenticeship, should be obliged, during the term of his apprenticeship, to make some satisfaction by his labour to the master or representatives of his deceased master, for the maintenance he has received from his apprenticeship in his apprenticeship, when his services could not be equal to the expense of his maintenance; Be it enacted, That within three calendar months after the death of such master or mistress, the master or mistress shall have died, on application made to the justices of the peace for the county, city, town, riding, division, or place where the master or mistress shall have died, by the widow of such master, or by the husband of such mistress, or by any son or daughter, brother or sister of such master or mistress, by indorsement on the indenture of apprenticeship, or the counterpart thereof, or by any other instrument in writing (which indenture or instrument may be in the forms or to the effect

Within three months after the death of a master, two justices may order apprentices to serve the residue of their terms with persons of the description here-in specified, on application.

mentioned in the schedule hereunto annexed marked with the letters *B*, and *C*.) to order and direct that such apprentice shall serve as an apprentice any one of such persons so making such application as aforesaid (such person having lived with, and having been part of the family of, such master or mistress at the time of his or her death), as the said justice shall in their discretion think fit, for and during the residue of the term mentioned in such indenture of apprenticeship; and the person obtaining such order shall declare his acceptance of such apprentice, by subscribing his or her name to such order; and that, from and after such order shall be made, the executors and administrators, and the personal assets, estate, and effects, of the master or mistress so dying as aforesaid, shall be released and discharged of and from any promise or covenant whatsoever, contained in any such indenture of apprenticeship, on the part of such master or mistress, or her executors or administrators, to be done and performed, and the person obtaining the same shall be and be deemed and taken to be, the master or mistress of such apprentice, in like manner as if such apprentice had been originally bound to such master or mistress; and that such last-mentioned master or mistress, his or her executors and administrators, and every of them, shall be held and bound by the several promises and covenants contained in any such indenture of apprenticeship on the part of the master or mistress there named, his or her executors or administrators, to be done and performed, in like manner as if such master or mistress obtaining such order as aforesaid had duly executed the counterpart of such indenture; and that such master or mistress and apprentice shall be subject and liable to the several penalties, provisions, and regulations which shall then be in force for the better government and good order of masters and parish apprentices; and that all justices of the peace shall have the like powers and authority, with respect thereto, as the justices shall then have by any act or acts of parliament relating to parish apprentices.

provisions to
be place on
the death of
the original
master, to ex-
tend to sub-
sequent ones.

III. And be further enacted, that all and singular the regulations and provisions hereinbefore made, and directed to take place on the death of the original master or mistress shall be deemed and taken to relate to the like event of the death of any such subsequent master or mistress, and to the several relations and representatives before enumerated, from time to time, as often as the case shall happen, during the continuance of the term mentioned in any such indenture of apprenticeship.

no applica-
tion be made,

IV. And be it further enacted, That in case no such ap-

tion shall be made as aforesaid within three calendar months next after the death of such master or mistress, or use such two justices, to whom any such application as aforesaid shall have been made, shall not think fit that such indenture should be continued, then the said apprenticeship shall be determined, and the indenture of apprenticeship and bonds therein contained shall be at an end, in like manner they would have been at the expiration of the term therein mentioned.

or the justices should not think fit that the apprenticeship should be continued, it shall be at an end.

V. Provided always, and be it enacted, That nothing herebefore contained shall extend, or be construed to extend, to parish apprentice, but to such only as shall be living with, shall make part of the family, or shall be in the actual employment, of such original master or mistress, or of any subsequent master or mistress, appointed under and by virtue of the several provisions of this act, at the time of the death of any such master or mistress respectively.

Act to extend to such parish apprentices only as shall be living with the master.

VI. And whereas much difficulty and delay must necessarily happen in bringing an action upon the covenant for maintenance before mentioned contained in any such indenture of parish apprentices; Be it enacted, That in any case the original master or mistress as aforesaid, or any master or mistress appointed under or by virtue of this act, shall, during the term of any such parish apprenticeship as aforesaid, or if the executors or administrators of such masters or mistresses, any or either of them having assets, shall, during the three calendar months as aforesaid, refuse or neglect to maintain and provide for any such apprentice, according to the terms of such covenant, it shall and may be lawful for any two justices of the peace of the county, city, town, riding, division, or place in which the parish or place shall lie, to which such apprentice shall belong, on complaint of such apprentice, or of the churchwardens and overseers of the poor of such parish or place, by warrant under their hands and seals, to levy, by distress and sale of the personal estate and goods or assets of such master or mistress respectively, such sum or sums of money as shall be necessary for the maintenance and clothing of such apprentice, and as shall also be necessary to reimburse to the churchwardens and overseers of the poor of such parish or place, any sum or sums of money which shall have been reasonably expended by them for that purpose.

Justices may order the necessary sums for maintenance and clothing of apprentices to be levied by distress.

"VII. And whereas it frequently happens that persons are expellable, under and by virtue of the said act of the ninth and tenth years of King *William*, to take a greater number

Masters may
assign over
apprentices
with the con-
sent of two
justices, &c.

of parish apprentices than it is convenient for them to maintain or employ in their own families, and they are forced to place out or assign over such apprentice persons; and it is proper that such assignment: legally made, under the inspection and control of magistrates, as well for the benefit of the apprentice as the original master may be discharged from his concern in respect of such apprentice; and it is fit that the person to whom such assignment shall be made, and also the apprentice, should be made subject to the ordinary jurisdiction of the justices of the peace with respect to masters and apprentices;" Be it enacted, That it shall and may be lawful for any master or mistress of any such parish apprentice aforesaid, by indorsement on the indenture of apprenticeship, or by other instrument in writing, by and with the consent of two justices of the peace of the county, city, town or division, or place where such master or mistress shall be residing, testified by such justices under their hands, to assign such apprentice to any person who is willing to take such apprentice for the residue of the term mentioned in such indenture of apprenticeship: Provided always, That such person to whom such apprentice is intended to be assigned, shall at the same time by indorsement on the counterpart of such indenture, or by writing under his or her hand, stating the name of the master or mistress of the apprentice, and the indorsement sent aforesaid, declare his or her acceptance of such apprentice, and acknowledge himself, herself, his or her coheirs, administrators, to be bound by the agreements and covenants mentioned in the said indenture, on the part of the master or mistress of such apprentice to be performed; which indorsement or instrument may be in any form or to the effect mentioned in the schedule annexed, marked with the letters D. and E.; and in such indenture shall be deemed and taken to be the consent of such subsequent master or mistress to whom such assignment shall be made, to all intents and purposes, and so from time to time, as often as it shall be necessary or convenient for any such subsequent master or mistress to part with any such apprentice; and all the justices of the peace shall have the like power and authority in several cases last mentioned, with respect as well to the said subsequent master or mistress, masters or mistresses, as to the apprentice, as such justices shall then have by any law made in better regulation of parish apprentices.

Justices may
discharge ap-
prentices
whose mas-

" VIII. And whereas no express provision has been made for the discharging of any such parish apprentice whose master or mistress who is become insolvent, or is

his or her circumstances as to be unable to employ
 tain such apprentice;" Be it enacted, That it shall
 be lawful for two justices of the peace of the county,
 wn, riding, division, or place where any such master
 res shall live, on the application of such master or
 requesting that any such apprentice may be dis-
 , for the reason aforesaid, to enquire into the matter
 allegations, and to discharge any such apprentice
 s apprenticeship, in case the said two justices shall
 h allegations to be true.

rovided always, and be it enacted, That nothing
 fore contained shall extend, or be construed to ex-
 the indenture made on the binding of any apprentice,
 churchwardens or overseers of the poor of any parish
 ; or the major part of them, under and by virtue of
 rs given to them by the statute made in the forty-
 ar of the reign of Queen *Elizabeth*, in the case of any
 ading, where a larger sum than five pounds shall be
 but that such bindings shall be subject and liable to
 rules and regulations as they would have been sub-
 liable to in case this act had not been made.

rovided always, and be it enacted, That no indorse-
 r indorsements on any parish indenture of appren-
 hereinbefore mentioned, made or executed in pur-
 of this act, shall be charged or chargeable with any
 posed upon stamped vellum, parchment, and paper,
 same shall be, and are hereby declared to be ex-
 therefrom, and that no other instrument or instru-
 n writing hereinbefore mentioned, shall be charged
 rgeable with any higher duty than with the duty
 i or to be imposed on parish indentures of appren-
 .

. And whereas, by an act passed in the twentieth year 20 G. 2. c. 19.
 eign of King *George* the Second, intituled, *An act for* recited.
er adjusting and more easy recovery of the wages of
servants, and for the better regulation of such servants,
certain apprentices, it is enacted, that it shall and may
 ul to and for any two or more justices, upon any
 nt or application by any apprentice put out by the
 touching or concerning any misusage, refusal of ne-
 provisions, cruelty, or other ill-treatment, of or
 such apprentice, by his or her master or mistress,
 e proof thereof, to discharge such apprentice from
 her apprenticeship: And whereas instances of such
 ment frequently occur, and it is fit that the expect-

Justices discharging any apprentice under the last recited act, may order his clothes to be delivered up, and a sum not exceeding 10*l.* to be paid the parish officers for placing him out again, &c.;

and may compel the parish officers to enter into recognizance to prosecute masters for ill-treatment of apprentices, &c.

ation of such discharge should not operate as an i to such ill-treatment;" Be it enacted, That in where any parish apprentice whatsoever shall be from his apprenticeship by two justices, under an of the said last-mentioned act, it shall and may for such two justices to order such master or deliver up to such apprentice his or her clothes a apparel, and also to pay to such churchwardens o of the poor of the parish or place to which such shall belong, some or one of them, a sum not exc pounds, to be applied by them, some or one of th the order of such justices, for the again placing a out such apprentice so discharged as aforesaid, or for his or her benefit, as to such justices shall s and also to pay a sum not exceeding five pound such master or mistress shall refuse to deliver up s and wearing apparel; and in case such master shall refuse to pay the sum so ordered by the said be paid as aforesaid, or either of them, or any part shall and may be lawful for such two justices, under their hands and seals, to levy the same by (sale of the goods and chattels of such master c together with the reasonable expences of such dis also that it shall and may be lawful for such two they shall so think fit, to compel such churchw: overseers of the poor, some or one of them, to e recognizance for the effectual prosecution by ind such master or mistress for such ill-treatment of apprentice so discharged as aforesaid, and also to the costs and expences of such prosecution shall b discharged, or reimbursed to such person or perso into such recognizance as aforesaid, one moiety t of the poor rates of the parish or place to whic prentice shall belong, and the other moiety thereo common stock of the county in which such paris shall lie; and in case the churchwardens and o the poor of such parish or place for the time bein fuse to pay such their moiety as aforesaid, it shall e lawful for such two justices, by warrant under t and seals, to levy the same by distress and sale of and chattels of such churchwardens and overseers o any or either of them, together with the reasonabl of such distress.

Justices may order any master convicted under the last recit-

"XII. And whereas it is not expedient that such mistress should be again entrusted with the care of parish apprentice;" Be it enacted, That in every parish apprentice shall have been so discharged

or mistress as aforesaid under and by virtue of the
 st-mentioned act; and such master and mistress shall
 een convicted of such offence, in consequence of such
 ution by indictment as aforesaid, or shall have been
 guilty thereof in any action brought at the suit of the
 injured, it shall not be lawful for the churchwardens
 rverseers of the poor of any parish or place, or the major
 f them, to bind any other apprentice upon such person;
 at whenever such person ought or would be compellable
 s a parish apprentice, it shall and may be lawful for any
 justices of the peace for the county, city, town, riding,
 m, or place where such person shall reside, upon appli-
 made to them by the churchwardens and overseers of
 or of such parish or place, to order and direct that such
 n shall pay into the hands of such churchwardens and
 eers of the poor, some or one of them, a sum not ex-
 g the sum of ten pounds nor less than five pounds, for
 rpose of binding out the child (intended to be bound)
 yprentice, with the approbation of such two justices;
 in case such person should refuse to pay such sum as
 said, that then it shall and may be lawful for such two
 x, by warrant under their hands and seals, to levy the
 by distress and sale of the goods and chattels of such
 m, together with the reasonable expences of such dis-
 : Provided always, that it shall and may be lawful for
 master or mistress as aforesaid, from whom any parish
 ntice shall be discharged under and by virtue of the act,
 : in the twentieth year of the reign of King *George* the
 nd, to appeal against the order made for such discharge
 foresaid, and also against any such order made for his or
 payment of any such sum or sums of money in conse-
 ce thereof as aforesaid, or for his or her payment of any
 or sums of money in lieu of a subsequent binding, under
 by virtue of the provisions of this act, to the next general
 ter sessions of the peace of the county, city, riding, divi-
 , or place where such orders, any or either of them, shall
 made, and upon such appeal the said court of general
 ter sessions shall finally determine the same, and in their
 ction allow to all parties their reasonable costs; and no
 distress for enforcing the payment of any such sum or
 of money as are last mentioned, shall be taken until
 the general quarter sessions of the peace to be holden
 after any such order as aforesaid shall be made, in case
 erson who is ordered to pay the same, shall, within seven
 after notice given to him or her of such order being
 s, give notice to such churchwardens and overseers of the
 , some or one of them, of such intended appeal; and in
 such person shall fail to appear in support of his appeal

ed act, when
 liable to take
 a parish ap-
 prentice, to
 pay to the
 parish officers
 a sum not ex-
 ceeding 10*l*.
 nor less than
 5*l*, for the
 purpose of
 binding out
 the child,
 &c.

Master may
 appeal to the
 quarter ses-
 sions.

On notice of
 such appeal,
 no distress to
 be made till
 after the
 quarter ses-
 sions.

40*s*. penalty
 for failing
 to support
 appeal.

at such general quarter sessions, then the sum of fo
lings shall be added to the expences of the distress be
rected to be taken, and levied accordingly.

Apprentices
discharged
for ill-beha-
viour may be
sent to the
house of cor-
rection.

“XIII. And whereas by the said last-mentioned also enacted, that it shall and may be lawful to and justices, upon application or complaint made upon any master or mistress, against any parish apprentice ing or concerning any misdemeanor, miscarriage, behaviour of such apprentice, to hear and determine ti and punish the offender in such manner as is there tioned, or otherwise to discharge such apprentice f apprenticeship, and it is expedient to prevent the exp of such discharge being an inducement to such ill-be on the part of the apprentice ;” Be it enacted, That cases where any parish apprentice shall be discharged justices, under and by virtue of the said last-mentio from his or her apprenticeship, on account of any meanor, miscarriage, or ill-behaviour on the part apprentice, that it shall and may be lawful for such tices, if they shall think proper, by warrant under the and seals, to punish such offender by commitmen house of correction, there to remain and be correct kept to hard labour, for a reasonable time, not e three calendar months, as to such justices shall seem

Parties ag-
grieved may
appeal to the
quarter ses-
sions.

XIV. And be it further enacted, That if any pers be aggrieved by any matter or thing done, or omitt done, by any churchwarden or overseer of the poor, o of His Majesty's justices of the peace, or by any othe or persons whomsoever, under and by virtue of this sides such matters or things for which an appeal is b fore specially given, it shall and may be lawful for s son or persons to appeal to the next general quarter of the peace, where the same shall be heard and final mined ; and such court may award reasonable costs pences to either party before them.

SCHEDULE referred to in this act.

A.

Form of proviso to be added to the covenant for maintenance.

Provided always, That the said last-mentioned covenant on part of the said *F. M.* (*the master*) his executors and administrators, to be done and performed, shall continue and be in force for no longer time than for three calendar months after the death of the said *F. M.* in case he the said *M.* shall happen to die during the continuance of such indentureship, according to the provisions of an act passed the thirty second year of the reign of King George the Third, intituled, (*here set forth the title of the act.*)

B.

Form of the order of two justices directing a parish apprentice to continue with the widow (or as the case may be) of his deceased master, by indorsement on the indenture or counterpart thereof; on which binding no more was paid than the sum for that purpose, mentioned in this act.

County of } Whereas *F. M.* (*the master*) within named,
late of the parish of in the said
County, died on the day of being within
three calendar months now last past, we, two of His Majesty's
Justices of the peace for the county aforesaid, whose names
whereunto subscribed, on the application and at the request
of *A. M.* widow (*or as the case may be*) of the said *F. M.* living
and being part of the family of the said *F. M.* at the time
of his death, do hereby order and direct, that *A. P.* the ap-
prentice within named, who was in the service and actual
employment of the said *F. M.* at the time of his death, shall
serve the said *A. M.* as such apprentice, for the residue of the
term of such apprenticeship within mentioned, according to
the provisions of an act passed in the thirty-second year of the
reign of King George the Third, intituled, *An act for the fur-
ther regulation of parish apprentices.* Witness our hands this
day of

the above-named *A. M.* do hereby declare,
That the above order is made at my request,
and that I do accept the said *A. P.* as my
apprentice, according to the terms and cove-
nants.

nants contained in the said indenture, and according to the provisions of the said act. Witness my hand, the day and year above written.

C.

Form of the like order, by a separate instrument.

County of } Whereas it appears unto us, two of His Majesty's justices of the peace for the said county, That *A. P. (the apprentice)* was bound an apprentice, to churchwardens and overseers of the poor of the parish of *F. M. (the master)* late of the said parish, and that the said *F. M.* died on _____ day of _____ being within three calendar months now last past: Now the said two justices, on the application and at the request (then to the end, as before, *mutatis mutandis.*)

D.

Form of the assignment of such a parish apprentice, with consent of two justices, by indorsement on the indenture counterpart.

County of } Be it remembered, that the within-named *F. M. (the master)* by and with the consent and approbation of *I. P.* and *K. P.* two of His Majesty's justices of the peace for the said county, whose names are subscribed to the consent hereunder written, doth hereby assign the apprentice within named, unto *N. M. (the new master)* to serve him during the residue of the term within mentioned, and that he the said *N. M.* doth hereby agree to accept and take the said *A. P.* as an apprentice for the residue of the said term, and doth hereby acknowledge himself, his executors and administrators, to be bound by the agreements and covenants within mentioned on the part of the said *F. M.* to be done and performed, according to the true intent and meaning thereof, and pursuant to the provisions of an act passed in the thirty-second year of the reign of King George the Third, intituled, *An act for the further regulation of parish apprentices.* In witness whereof we, the said *F. M.* and *I.* have hereunto set our hands, this _____ day of _____. We, two of His Majesty's justices of the peace above mentioned, do consent thereto. Witness our hands, this _____ day of _____

I. P.

K. P.

E.

Form of the like assignment by a separate instrument.

ty of } Whereas it appears unto us, *I. P.* and *K. P.*
two of His Majesty's justices of the peace for
aid county, whose names are subscribed to the consent
under written, that *A. P.* was bound an apprentice by the
wardens and overseers of the poor of the parish of
to *F. M.* of the same parish,
venture bearing date on or about the day of
until the said *A. P.* should attain his age
twenty-one years. Now be it remembered, that the said
by and with the consent, &c. (*and so, to the end, as
mutatis mutandis.*)

[33 Geo. 3. c. 8.]

to provide for the Families of persons chosen by lot to serve the Militia of this kingdom, and of Substitutes serving therein; to explain and amend an Act of Parliament, passed in the fifty-sixth Year of his present Majesty, intituled, 'An Act amending and reducing into one Act of Parliament, the Laws relating to the Militia in that part of Great Britain called England.'

[Repealed by 43 Geo. 3. c. 47. s. 1.]

[33 Geo. 3. c. 35.]

*to explain and amend an Act passed in the twenty-second
year of the Reign of His present Majesty, for the better Relief
and Employment of the Poor.*

[10th May 1793.]

Whereas, by an act made in the twenty-second year of 22 G. 3. c. 88.
of his present Majesty, intituled, *An act for the better* ^{a. 3.}
and employment of the poor, it was, amongst other things,
d, That whenever two third parts in number and value,
ing to the poor rate, of the owners and occupiers of
tenements, or hereditaments, within any parish, town-
n place, qualified as thereafter mentioned, should, at
ne after the passing of that act, at a public meeting to

Approbation of two thirds in number and value of persons qualified, sufficient.

be holden pursuant to the directions of that act, sign approbation of the provisions therein contained, and desire to adopt them: And whereas doubts have arisen, it be necessary that two third parts in number and value as aforesaid, of the whole number of persons so qualified, should at such public meeting signify their approbation and desire as aforesaid: Be it therefore declared and by the King's most excellent Majesty, by and with the assent and consent of the lords spiritual and temporal, and commons of this present parliament assembled, and by the authority of the same, That whenever two third parts in number and value as aforesaid, of such qualified persons only, as have actually attended or may hereafter actually attend, at such public meeting, have there signified, or may hereafter there signify approbation of the provisions in the said act containing their desire to adopt them, according to the form and prescribed by the said act, such approbation and signification, or to be hereafter so signified as aforesaid, shall be, and are hereby declared to be a due and sufficient compliance with the above recited provision in the said act, according to the true intent and meaning of the same.

22 G. 2. c. 83.

A like number may recommend to justices three persons qualified for guardians of poor, &c.
† Sic.

“ II. And whereas also the duty of guardian of the poor under the said act, in certain parishes, townships, or places, on account of the extent and population thereof, is found to be more than one person could fully and execute: And whereas also it is desirable to prevent disputes and litigations as might arise concerning the such casual poor as may happen to be within any of the parishes, townships, or places united or to be united for the purposes of the said act: Be it therefore enacted by the authority aforesaid, That whenever two third parts in number and value as aforesaid, of the said persons so qualified, and actually attending at such public meetings as shall nominate and recommend to the consideration of the justices of the peace of the county division, district, city, town, or place where such shall be holden, three able and discreet persons qualified as guardians of the poor for such parish, township, or place shall fix the salary to be paid to such guardian in the manner and form prescribed by the said act; and also, at the said public meeting, by writing under the hand and seal of each of them, signify their opinion to the said justices, that, on account of the extent and population of such parish, township, or place, more than one guardian of the poor is necessary for the same, and shall express their desire that two of the three persons so nominated and recommended as aforesaid, may be

the poor for such parish, township, or place, it may be lawful for such of the said justices as are empowered by the said act, to appoint one guardian of such parish, township, or place, to comply with the said act, and to appoint two guardians accordingly.

And it also further enacted by the authority aforesaid, after the passing of this act, all such casual poor, who are to be within, and would be entitled to relief in any one of such parishes, townships, or places, as have been or hereafter be united together for the purposes of the said act, shall be relieved by all the justices of such parishes, townships, or places conjointly, and in the same proportion as they shall and are directed to contribute to the general purposes of the said act, according to the provisions and regulations in the said act specified and directed.

Casual poor
relieved by
united pa-
rishes con-
jointly.

[33 Geo. 3. c. 54.]

the Encouragement and Relief of Friendly Societies.
[21st June 1793.]

[Repealed by 10 Geo. 4. c. 56. s. 1.]

[33 Geo. 3. c. 55.]

to authorize Justices of the Peace to impose Fines upon Overseers, and other Peace or Parish Officers, for Neglect of Duty, and on Masters of Apprentices for ill Usage of their Apprentices; and also to make provision for the Issue of Warrants of Distress granted by Magistrates.

[21st June, 1793.]

And it is expedient to give further powers to justices of the peace to impose fines upon overseers of the poor, and other peace and parish officers, within their jurisdictions, for neglect of duty in such their respective offices; and it is also expedient to empower justices of the peace to impose fines upon masters of apprentices for ill usage of their apprentices, and also to make provision for the issue of warrants of distress, granted by magistrates:—

Justices may impose fines upon constables, &c. for neglect of duty, and on masters for ill usage of apprentices.

Application of fines.

Persons aggrieved may appeal to the quarter sessions.

May it therefore please Your Majesty that it may be and be it enacted by the King's most excellent Majesty and with the advice and consent of the lords spiritual, and commons, in this present parliament assembled and by the authority of the same, That it shall be lawful for any two or more of His Majesty's justices of the peace, assembled at any special or petty sessions of the peace, upon complaint being made upon oath before them of neglect of duty, or of any disobedience of any lawful order of any justice or justices of the peace, by any constable, overseer of the poor, or other peace or parish officer, or upon complaint made to such two or more justices of the peace, by or on the behalf of any apprentice to any business whatsoever, whether bound apprentice in any parish or township or otherwise, provided that more than the sum of ten pounds be paid upon the behalf of such apprentice, against his or her master or mistress for ill usage of such apprentice, by such master or mistress, constable, overseer, or other officer, master or mistress having been duly summoned to appear and answer any charge or complaint), to impose, upon conviction, any reasonable fine or fines, not exceeding the sum of forty pounds upon such constable, overseer, or other officer, and a mistress respectively, as a punishment for such disobedience or neglect of duty, or ill usage; and by warrant under the hands and seals of any two or more of such justices of the peace, at any such special or petty sessions as aforesaid, to direct such fine or fines, if not paid, to be levied by distress and sale of the goods and chattels of the person or persons so offending, rendering the overplus (if any) after deduction of the amount of such fine or fines, and the charges of distress and sale, to such offender or offenders; and any fine or fines which may be imposed upon any such constable, overseer, or other officer as aforesaid, shall be applied and disposed of for the relief of the poor of the parish, town or place, where the offenders shall respectively reside, at the discretion of the justices imposing the same, and such fines, which may be imposed upon any such master or mistress, shall, at the discretion of the justices imposing the same, be either so applied and disposed of as aforesaid, or otherwise paid and applied to or for the use and benefit of such apprentice, for or towards a recompence or satisfaction for the injury which may have been by him or her sustained by reason of such ill usage as aforesaid; and any person shall be aggrieved by the imposition of such fine or fines as aforesaid, or by any order or warrant of distress raising and levying the same, or by the judgment or determination of the said justices, or by any act to be

execution of such warrant of distress, such person or persons so aggrieved shall and may appeal to the next general quarter sessions of the peace to be held for the county, city, or division, within which such person shall reside, of which appeal ten days' notice at the least shall be given; and in want of such distress, such person or persons shall be committed to the house of correction for any space of time not exceeding ten days.

For want of distress, offenders may be committed.

Provided always, and be it further enacted, That no person acting under any such warrant of distress as aforesaid, shall be deemed a trespasser *ab initio*, by reason of any irregularity or informality in such warrant, or in any proceeding thereon, but any person aggrieved by the issuing or execution of such warrant may recover the special damages sustained by him or her sustained, in an action of trespass, or in case, in and of His Majesty's courts of record.

No persons to be deemed trespassers on account of irregularity in proceedings, &c.

III. And whereas warrants of distress granted by justices of the peace are in many instances ineffectual, by reason that the goods and chattels of the persons against whom such warrants are granted being out of the jurisdiction of the justices granting the same: Be it therefore further enacted, That in all cases where any penalty, forfeiture, fine, or other sum of money, may, by the warrant of any justice or justices of the peace, be directed to be levied by distress and sale of the goods and chattels of any person or persons, if sufficient goods and chattels cannot be found within the limits of the jurisdiction of the justice granting such warrant of distress, on oath made by one witness before any justice of the peace of any other county, riding, division, city, borough, town, or place (which oath shall be by him certified by the justice on such warrant), such penalty, forfeiture, fine, or sum of money, or so much thereof as may not have been levied or paid, shall and may, by virtue of such warrant and indorsement, be raised and levied by the person or persons to whom such warrant of distress shall have been lawfully directed, by distress and sale of the goods and chattels of such person or persons, in such other county, city, division, city, borough, town corporate, or place; and the money arising by such distress and sale shall be applied and disposed of for such purposes, and in like manner, if sufficient good and chattels of such person or persons cannot be found within the jurisdiction of the magistrates lawfully granting such warrant; and if no such distress can be found, such offender or offenders shall and may be forthwith proceeded against according to law; provided always, That no justice who shall indorse any certificate upon, or

Where distress cannot be found in the jurisdiction of justices granting warrants, it may be levied in any other place.

Justices authorizing the execution of warrants not granted within their juris-

ditions, not to be answerable for any irregularity in obtaining them.

authorize the execution of any such warrant which may not have been granted within his jurisdiction shall be answerable or accountable for any irregularity may have been committed or done in or about the granting of such warrant of distress.

[34 Geo. 3. c. 47.]

An Act to amend an Act, passed in the last Session of Parliament, intitled, "An Act to provide for the Families of Persons by Lot to serve in the Militia of this Kingdom, and of serving therein; and to explain and amend an Act of Parliament, passed in the Twenty-sixth Year of His present Majesty, 'An Act for amending and reducing into one Act, the Laws relating to the Militia in that part of Great Britain called England;' and also an Act, made in the last Session of Parliament;" intitled, 'An Act for augmenting the Militia.'"

[Repealed by 43 Geo. 3. c. 47. s. 1.]

[35 Geo. 3. c. 81.]

An Act to apportion the Relief by the several Statutes directed to be given to the Families of Non-commissioned Officers, Drummers, Fifers, and Privates, serving in the Militia, between County at large and the parishes therein, not contributing to the County Rate, according to the Number of Men serving for each in such Militia; and to remove certain difficulties in respect to the Relief of Families of Militiamen, hired Men, or Volunteers serving in the Militia.

[Repealed by 43 Geo. 3. c. 47. s. 1.]

[35 Geo. 3. c. 101.]

An Act to prevent the Removal of Poor Persons, until they become actually chargeable.

[22d Ju

18 & 14 Car. 2. "Whereas by an act, passed in the thirteenth & 12. recited. tenth years of the reign of King Charles the Second, An Act for the better relief of the poor of this kingdom, that whereas, by reason of some defects in the law, the poor are not restrained from going from one parish to

heretofore do endeavour to settle themselves in those parishes where there is the best stock, the largest commons or as to build cottages, and the most woods for them to and destroy; and when they have consumed it then to her parish, and at last become rogues and vagabonds, to great discouragement of parishes to provide stocks where liable to be devoured by strangers; for remedy whereof thereby, amongst other things, enacted, That it shall and be lawful, upon complaint made by the churchwardens or overseers of the poor of any parish, to any justice of the peace, within forty days after any such person or persons coming so settle as aforesaid, in any tenement under the yearly value in pounds, for any two justices of the peace, whereof one is of the quorum, of the division where any person or persons that are likely to be chargeable to the parish shall come inhabit, by their warrant, to remove and convey such person or persons to such parish where he or they were last legally fixed, either as a native householder, sojourner, apprentice, servant, for the space of forty days at the least, unless he they give sufficient security for the discharge of the said debt, to be allowed by the said justices: And whereas many industrious poor persons, chargeable to the parish, township, place where they live, merely from want of work there, and in any other place, where sufficient employment is to be had, maintain themselves and families without being burthen to any parish, township, or place; and such poor persons are for the most part compelled to live in their own parishes, townships, or places, and are not permitted to inhabit elsewhere, under pretence that they are likely to become chargeable to the parish, township, or place, into which they for the purpose of getting employment, although the labour of such poor persons might in many instances, be very beneficial to such parish, township, or place: And whereas the remedy intended to be applied thereto, by the granting of certificates, in pursuance of the act passed in the eighth and ninth years of the reign of King William the Third, intituled, *An Act for supplying some defects in the laws for the relief of the poor in this kingdom*, hath been found very ineffectual, and it is necessary that other provisions should be made relating thereto; it is therefore enacted by the King's most excellent Majesty, and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, by the authority of the same, That, from any after the making of this act, so much of the said in part recited act of the thirteenth and fourteenth years of King Charles the Second, as enables the justices to remove any person or persons that are likely to be chargeable to the parish, township, or place, in which they shall come to inhabit, shall be and the same is hereby repealed; and, that from thenceforth no poor person

So much of recited acts as enables justices to remove persons likely to be chargeable to parishes, repealed; and no persons to

be removed
till they be-
come charge-
able.

shall be removed; by virtue of any order of removal; from parish or place where such poor person shall be inhabiting the place of his or her last legal settlement, until such person shall have become actually chargeable to the parish, town or place, in which such person shall then inhabit, in which case two justices of the peace are hereby empowered to move the person or persons, in the same manner and to the same appeal, and with the same powers, as might been done before the passing of this act with respect to persons likely to become chargeable.

Justices may
suspend the
removal of
sick person.
See 49 G. 3.
c. 124.

“II. And whereas poor persons are often removed or sed to the place of their settlement during the time of sickness, to the great danger of their lives;” for removal whereof, be it further enacted by the authority aforesaid, in case any poor person shall from henceforth be brought before any justice or justices of the peace, for the purpose being removed from the place where he or she is inhabiting sojourning, by virtue of any order of removal, or of passed by virtue of any vagrant pass, and it shall appear to the said justice or justices that such poor person is unable to travel, by reason of sickness or other infirmity, or that it would be dangerous for him or her so to do, the said justices making such order of removal, or granting such vagrant pass, are hereby required and authorized to suspend the execution of the same until they are satisfied that it may safely be executed, without danger to any person who is the author thereof; which suspension of, and subsequent permission to execute the same, shall be respectively indorsed on the order of removal or vagrant pass, and signed by such justice or justices: And no act done by any such poor person continuing to reside in any parish, township, or place, under suspension of any such order shall be effectual, either in whole or in part, for the purpose of giving him or her settlement in the same; and the charges proved upon such person have been incurred by such suspension of any order of removal may, by the said justices, be directed to be paid by the churchwardens and overseers of the parish or place to which such poor person is ordered to be removed, in case an order of removal shall take place, or in case of the death of such person before the execution of such order; and if the churchwardens or overseers of the parish, township, or place to which the order of removal shall be made, or any or all of them, shall, upon the removal or death of such poor person ordered to be removed, refuse or neglect to pay the charges within three days after demand thereof, and shall within the same time give notice of appeal as is herein mentioned, it shall and may be lawful for one justice of the peace, by warrant under his hand and seal, to cause

Charges incurred by such suspension to be paid by the officers of the parish to which they are ordered to be removed, which may be levied with costs.

any mentioned in such order to be levied by distress and sale of the goods and chattels of the person or persons so refusing or neglecting payment of the same, and also such costs attending the same, not exceeding forty shillings, as such justices shall direct; and if the parish, township, or place, to which the removal of such poor person is made or was ordered to be made, before the death of such person as aforesaid, be without the jurisdiction of the justice of the peace issuing the warrant, then such warrant shall be transmitted to any justice of the peace having jurisdiction within such parish, township, or place as aforesaid, who, upon receipt thereof, is hereby authorized and required to indorse the same for execution: Provided nevertheless, that if the sum so ordered to be paid on account of such costs and charges exceed the sum of twenty pounds, the party or parties aggrieved by such order may appeal to the next general quarter sessions of the same, as they may do against an order for the removal of poor persons by any law now in being; and if the next quarter sessions shall be of opinion that the sum so ordered be more than of right ought to have been directed to be paid, such court may and is hereby directed to strike off the sum contained in the said order, and insert the sum which in the judgment of such court ought to be paid; and in every such case the said court of quarter sessions shall direct that the said order so amended shall be carried into execution by the said justices by whom the order was originally made, or either of them, or in case of the death of either of them, by such other justice or justices as the said court shall direct: Provided, that nothing in this act contained shall extend to alter or abridge the power of justices of the peace to pass or punish vagrants in the manner and under the circumstances set forth in an act, passed in the seventeenth year of the reign of His late Majesty, King George the Second, intituled, *An Act to amend and make more effectual the laws relating to rogues, vagabonds, and other idle and disorderly persons, and to houses of correction* (except so far as regards the power of suspending the vagrant pass, in the manner and for the causes before mentioned).

If costs exceed 20*l.* appeal may be made to the quarter sessions.

This act not to alter the power of justices to pass or punish vagrants by 17 Geo. 2. c. 5. except as to suspension.

III. And be it further enacted by the authority aforesaid, That no person coming into any parish, township, or place, shall, from and after the passing of this act, be enabled to gain any settlement therein by delivery and publication of any notice in writing.

No person to gain a settlement by delivery and publication of a written notice;

IV. Provided always, and be it further enacted by the authority aforesaid, That, from and after the passing of this act, no person or persons whatsoever, who shall come into any

nor by paying taxes for a tenement of less than 10*l.* yearly value.

parish, township, or place, shall gain a settlement in such parish, township, or place, by being charged with, and paying his, her, or their share, towards the public taxes or levies of the said parish, township, or place, for or on account of or respect of any tenement or tenements, not being of the year value of ten pounds.

Rogues, &c. to be considered as chargeable, and may be removed.

V. Provided also, and be it further enacted, That every person who shall have been convicted of larceny, or any other felony, or who by the laws now in being shall be deemed a rogue, vagabond, idle, or disorderly person, or who shall appear to any two or more justices of the peace of the division wherein such person shall reside, upon the oath of one or more credible witness or witnesses to be a person of evil fame or a reputed thief, such person not being able to give a satisfactory account of himself or herself, or of his or her way of living, shall be considered as a person actually charged within the true intent and meaning of this act, to the parish in which such person shall reside, and shall be liable to be removed to the parish of his or her last legal settlement by the order of the said justices of the peace whereof one to be of the quorum of the division where any such person shall reside.

Unmarried women with child to be deemed chargeable.

VI. Provided also, and be it hereby enacted by the authority aforesaid, That every unmarried woman with child shall be deemed and taken to be a person actually chargeable, within the true intent and meaning of this act, to the parish, township, or place, in which she shall inhabit, and may be removed as such to the place of her last legal settlement; and in any order of removal obtained for such purpose shall be suspended for any of the reasons before mentioned, and during such suspension the said woman shall be delivered of a child, which by the laws of this kingdom shall be a bastard, every such bastard child shall be deemed and taken to be settled in the same parish, township, or place in which was the legal settlement of the mother at the time of her delivery. Provided nevertheless, that all act or acts heretofore made touching bastard children, or concerning the mothers or reputed fathers of such children, shall be, and remain in full force and effect after the passing of this act, as well in cases where by this act the place of settlement of such bastard children is directed to be the same as that of the mothers of such children as in cases where the place of settlement of such bastard children remains the same as it did before the passing of this act.

Bastards to be deemed of the mothers' parishes.

Former acts touching bastards, &c. to remain in force.

[36 Geo. 3. c. 10.]

for the better Relief of the Poor within the several Hundreds, Towns, and Districts, in that Part of Great Britain called England, incorporated by divers Acts of Parliament for the purpose of the better Maintenance and Employment of the Poor, and for enlarging the Powers of the Guardians of the Poor within the said several Hundreds, Towns, and Districts, as to the Assessments to be made upon the several Parishes, Hamlets, and Places, within their respective Hundreds, Towns, and Districts, for the Support and Maintenance of the Poor.

[18th December 1795.]

Whereas several acts of parliament have of late years been passed, for the better relief and employment of the poor in particular incorporated hundreds, towns, and districts, in that part of Great Britain called England: And whereas persons, described and appointed by the said several acts, are thereby empowered to assess the several parishes, hamlets, and places, chargeable to the poor's rate within the said several hundreds, towns, or districts respectively, in such money as they shall think necessary for defraying the expenses of supporting and maintaining the poor within their respective hundreds, towns, and districts, and for other the purposes of the said acts; but such sums of money, for which assessments are to be made, are by the said several acts limited so as that they may not exceed a certain sum in any one year, which sum was calculated upon an estimate of the amount of the poor's rates in each parish respectively, for a certain number of years previous to the passing of the respective incorporating acts: And whereas, by reason of the late very great increase of the price of corn, and of the necessary articles of life, the amount of the rates and assessments, so limited by the said several acts of parliament, are now insufficient for the necessary relief and maintenance of the poor, who have also of late greatly increased in number: And whereas in many incorporated hundreds, towns, and districts, the expence of maintaining the poor, since the 1st of January, one thousand seven hundred and ninety-five, has exceeded the whole amount of the rates which could be raised in the present year within those hundreds, towns, and districts, under their respective incorporating acts: where considerable debts have on that account been incurred by the Guardians of the poor of those hundreds, towns, and districts: And it is therefore become necessary and expedient

Directors and acting guardians of the poor, incorporated by acts of parliament, may, in certain cases, make such assessments as may be necessary for the support and maintenance of the poor, &c. notwithstanding they may exceed the assessments limited by the respective acts. 52 G. 3. c. 78.

Assessments by virtue of this act to be made, &c. as those under the incorporating acts.

that the powers of the several persons to whom it is com-
ted, by the said several acts of parliament, the duty of
pointing the sums to be assessed on the several parishes, t-
lets, and places within their respective hundreds, towns,
districts, should be enlarged :'' May it therefore please
Majesty that it may be enacted, and be it enacted by
King's most excellent Majesty, by and with the advice
consent of the lords spiritual and temporal, and common
this present parliament assembled, and by the authority of
same, That from and after the passing of this act, it shall
may be lawful for the directors and acting guardians of
poor, within any hundred, town, or district, in that part
Great Britain called *England*, incorporated by any act of
liament for the relief or maintenance and employment of
poor, or for any other persons, by whatsoever name they
called or described, to whom is given, by any such incor-
rating act, the power of appointing the sum or sums to be
sessed on the several parishes, hamlets, or places, within the
respective hundreds, towns, or districts, for the maintain-
of the poor, and other the purposes of such act, at any of the
annual, quarterly, or other general meetings, whenever the
average price of wheat at the corn market in *Mark Lane, Lon-*
don, for the quarter immediately preceding such annual, quar-
terly, or other general meeting, shall have exceeded the av-
rage price of wheat at the same market during those years
from which the average amount of the poor's rates was taken
upon the passing of the several incorporating acts respectively
to assess the several parishes, hamlets, and places within the
respective hundreds, towns, or districts, which now are
usually have been charged to the poor's rates, in such re-
spective sums of money as the said directors and acting gu-
dians, or such other persons as aforesaid, shall think neces-
sary for defraying the expences attending the support and main-
tenance of the poor for the current quarter, and for paying
interest of the money borrowed and due by virtue of the
respective acts, and of any debts which may have been in-
red since the first day of *January* one thousand seven hundred
and ninety-five, in the maintenance of the poor, and for the
the purposes of the said acts, notwithstanding such sums
money so to be assessed should exceed the amount of the
assessments limited by such respective acts of parliament
assessed on the respective parishes, hamlets, and places within
such incorporated hundreds, towns, or districts, in any
year : Provided always, that the sums to be assessed, and
assessments to be made by virtue of this act, in each re-
spective incorporated hundred, town, or district, shall be made
made, collected, and paid in the same manner, and subject
the same restrictions, regulations, limitations, and power

with the like powers and remedies for compelling proof, as the sums to be assessed, and the assessments made, by virtue of the several incorporating acts, respective acts directed to be assessed, collected, within the several hundreds, towns, and districts incorporated by those acts: Provided also that be assessed by virtue of this act, upon any parish, or place, shall be in the same rates and proportions as the assessments which have hitherto been made and the rate of the said act or acts incorporating the several towns, or districts in which such parishes, hamlets are respectively situated: And provided also, and after the first day of *January* one thousand eight hundred and ninety-eight, the sums to be assessed by any act, on any parish, hamlet, or place, shall never in any one year, the amount of double the sum at present raised under the incorporating act now existing.

From Jan. 1, 1798, no assessment to exceed double the sum at present raised under the incorporating acts.

[36 Geo. 3. c. 23.]

and so much of an Act, made in the Ninth Year of King George the First, intituled, An Act for the Laws relating to the Settlement, Employment, Relief of the Poor, as prevents the distributing Relief to Poor Persons in their own Houses, under circumstances and in certain Cases.

[24th December 1795.]

And, by an act passed in the ninth year of the late Majesty King George the First, intituled, *amending the laws relating to the settlement, and relief of the poor*, it is (among other things) that it shall and may be lawful for the churchwardens or overseers of the poor, in any parish, town, township, or place, with the consent of the major part of the freeholders or inhabitants thereof in vestry or other parish meeting for that purpose assembled, or of so many of them as shall be so assembled, upon usual notice thereof to purchase or hire any house or houses in the township or place, and to contract with any persons for the lodging, keeping, maintaining, and supporting any or all such poor, in their respective parishes, or places, as shall desire to receive relief or collection in the same parish, and there to keep, maintain, and support such persons, and take the benefit of the work,

Overseers,
with the ap-
probation of
the parish-
ioners or any
justice, may
relieve poor
persons at
their own
homes. See
55 G. 3. c. 157.
s. 3.

labour, and service, of any such poor person or persons shall be kept and maintained in any such house or houses, the maintenance and relief of such poor person or persons shall be there kept and maintained; and in case of any poor person or persons of any parish, town, or place, when such house or houses shall be so purchased, shall refuse to be lodged, kept, or maintained, in such house or houses, such poor person or persons shall be put out of the book or books where the names of the persons who ought to receive collection in the said town, township, or place, are to be registered, and shall be entitled to ask or receive collection or relief from the churchwardens and overseers of the same parish, or township: And whereas the said provision contained in the act above-mentioned has been found to have been an inconvenient and oppressive, inasmuch as it often prevents an industrious poor person from receiving such collection or relief as is best suited to the peculiar case of such person, and inasmuch as in certain cases it holds out no prospect of relief injurious to the comfort and domestic situation and happiness of such poor persons:" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, it shall be lawful for the overseer or overseers of any town, township, or place, with the approbation of the churchwardens, or the majority of them, in vestry, or other place of meeting assembled, or with the approbation of any of His Majesty's justice or justices of the peace usually acting in and for the respective districts, to distribute and pay collection and relief to any poor person or persons at his, her, or their homes, or houses, under certain circumstances of temporary distress, and in certain cases respecting such poor person or his, her, or their family, or respecting the health, or condition of any poor-house or poor-houses in any parish, town, township, or place, wherein such poor person or persons shall have been or shall be so hired, built, or purchased, and a contract made with any person or persons for lodging, keeping, maintaining, and employing, any such poor persons who shall desire to receive collection or relief, although such poor person or persons shall refuse to be lodged, kept and maintained, within such house or houses: And any thing in the said act passed in the ninth year of the said Majesty King George the First, to the contrary standing.

And be it further enacted by the authority aforesaid, it shall and may be lawful for any of His Majesty's or justices of the peace for any county, city, town, or , usually acting in and for the district wherein the same be situated, at his or their just and proper discretion, to ~~t~~ and order collection and relief to any industrious poor ~~m~~ or persons, and he, she, or they shall be entitled to ask to receive such relief at his, her, or their homes, house ~~uses~~, in any parish, town, township, or place, notwithstanding any contract shall have been or shall be made with ~~person~~ or persons for lodging, keeping, maintaining, employing, any and all poor persons in a house or houses ~~such~~ purpose hired or purchased; and the churchwarden churchwardens, overseer or overseers, for such parish, ~~a~~, township, or place, are required, and directed to obey ~~t~~ perform such order for relief given by any justice or jus- ~~as~~ as aforesaid.

Justices may order relief to poor persons at their own homes.

II. Provided always, That the special cause, as herein-
ore mentioned, of ordering and directing collection or
relief to any poor person or persons, at his, her, or their
mes, house or houses, be assigned and written on each
lar for relief given and directed by any justice or justices
aforesaid; and provided always that such order be given
, and do remain in force for a time not to exceed one
uth from the date of such order: Provided also, that it
ll and may be lawful for any two justices as aforesaid to
ke any further order for the same or like purpose, for
, further time not exceeding one month from the date of
h order, and so on from time to time, as the occasion
ll require, such justice or justices first administering an
h as to the need and cause of such relief in each of the
ve cases, and thereon summoning the overseer or over-
s of the poor of the parish, town, township, or place, to
charged with such relief, to shew cause why such poor
son or persons should not receive such relief in manner
ry law provided in cases where no contract for lodging,
ping, and maintaining the poor, shall as aforesaid have
n made.

Cause of ordering such relief to be assigned on the order of the justice, &c.

V. Provided always, and be it further enacted, That
hing in this act contained shall extend, or be construed,
med, or taken to extend, to authorize, impower, or
ble, any overseer or overseers, or any justice or justices
the peace as aforesaid, to direct or order to distribute and
r, or to be distributed and paid, any collection or relief
any poor person or persons, at his, her, or their homes,
use or houses, as aforesaid, in any parish, town, township,

Act not to extend to places where houses of industry are provided under 22 G. 3. c. 83. or under any special act.

or place, in or for which any house of industry or place for the reception and provision of the poor hath been already erected or provided, or shall hereafter be erected or provided, by and under the authority or directions of an act, passed in the twenty-second year of the reign of His present Majesty, intituled, *An act for the relief and employment of the poor*, or under the authority or directions of any special act of parliament or law so passed for such parish, town, township, or place, and in force for that purpose; but that in every such case all last-mentioned poor person or persons shall be provided and relieved in such and the same manner as before the making and passing of this act.

V. And be it further enacted by the authority aforesaid That this act shall be deemed and taken to be a public act and shall be judicially taken notice of as such, by all justices, and other persons whomsoever, without any pleading the same.

[36 Geo. 3. c. 114.]

An Act to explain and amend an Act, passed in the Thirtieth Year of His present Majesty's Reign, intituled, "An Act to provide for the Families of Persons chosen by lot to serve in the Militia of this Kingdom, and of Substitutes serving in lieu of them, and to explain and amend an Act of Parliament, passed in the Twenty-sixth Year of His present Majesty, intituled, "An Act for amending and reducing into one Act of Parliament several Laws relating to the Militia in that part of Great Britain called England.'"

[Repealed by 43 Geo. 3. c. 47. s. 1.]

[41 Geo. 3. c. 9.]

An Act to explain and amend an Act, made in the Twenty-second Year of the Reign of His present Majesty, intituled, "An Act for the better Relief and Employment of the Poor." [8th December 1776]

2 G. 3. c. 83. "Whereas by an act, made in the twenty-second year of the reign of his present Majesty, intituled, *An act for the better relief and employment of the poor*, the justices of

empowered to appoint one guardian, and no more, parish desirous of being regulated according to the of the said act: And whereas in many parishes, of their extent and population, one such guardian is to be sufficient for the performance of the duties required; Be it therefore enacted by the King's most Majesty, by and with the advice and consent of spiritual and temporal, and commons, in this present assembled, and by the authority of the same, any parish which shall have adopted the provisions of the said act either alone or in conjunction with any other shall be the opinion of two thirds in number and owners or occupiers of lands, tenements, and houses, qualified as by the said act is required, who shall be present at a public meeting to be called for that purpose to notice thereof given in the church or chapel of the parish, on the *Sunday* preceding, that one guardian be appointed for carrying into due execution the provisions of the said act, and the same shall be certified by two or more persons present at such meeting, in writing under the hands of two or more justices of the peace acting for or division within which such parish shall be, together with the names of four or more fit and proper persons qualified for the office of guardian as by the said act is provided, it shall and may be lawful for the said justices to put the same under their hands, according to the form in the schedule to the said act, to appoint such and the said persons to be guardians of the poor of the parish, as they in their discretion shall think fit, and necessary for duly carrying the purposes of the execution.

Two justices of the district may appoint additional guardians of the poor, under recited act, on its being certified, in manner herein directed, that one is insufficient.

whereas by the said act all the churchwardens of the poor are directed to pay to the guardians in parishes not united, and to the treasurer in parishes so united as therein mentioned, such sums as may be required for the support of the poor in manner therein directed, and the guardians are also directed to pay to the collector of the poor-house the sums required for the support thereof, which in default of payment may be levied by warrant of distress and sale of the goods of the guardians under the hand of a justice of the peace, no provision is made to enforce the payment of the same: Be it further enacted, That it shall be lawful for the guardians of the poor present at a meeting held according to the directions of the said act, to the approbation of the visitor, who shall sign

Guardians of the poor, at monthly meetings, with approbation of the visitor, may make an order on the churchwardens, or overseers, &c. for such money as shall be necessary for the purposes of the recited act.

In default of payment, justices may levy it by distress.

the same, to make an order on the churchwardens, seers or collector of the poor's rates, some or one of them, for so much money as shall be necessary for the purposes of the said act; and if the churchwardens or overseers of the said parish or persons to whom the orders shall be made shall neglect or refuse to pay the same to the treasurer or guardian to whom the same is made payable, within the time specified in the order, it shall be lawful for any justice of the peace within the division or district in which the default shall be made, on proof made on oath of such default, to issue his warrant for levying the said sums by distress and sale of the goods and chattels of the said churchwardens and overseers or other person or persons, in like manner as by the said act is provided in case of non-payment by the guardians of the poor.

Two justices may, on application, appoint a treasurer for a single parish, with a salary not exceeding 10*l*.

“ III. And whereas by the said act no provision is made for the appointment of a treasurer, in the case of parishes adopting the regulations of the said act, from its population it may be found necessary and convenient :” Be it further enacted, That it shall and is lawful for any two justices for the district or division in which any such parish shall be situate, to whom application for such appointment shall be made, on application from two thirds in number and value of the owners and occupiers of lands, tenements, and houses in such parish, qualified by the said act is directed, to appoint a treasurer for the poor-house in such parish, with a salary not exceeding ten pounds, according to the form prescribed in the schedule to the said act, in the case of parishes.

Persons aggrieved may appeal to the next quarter sessions.

IV. And be it further enacted, That any person aggrieved by the act of any justice or justices of the peace in or concerning the execution of this act, may appeal to the next general quarter sessions of the peace for the county, riding, liberty, division, precinct, or district in which such act was done, giving eight days' notice thereof to the party against whom the complaint shall be made, and giving security by recognizance to be acknowledged before a justice of the peace, with a sufficient surety to pay the costs of such appeal, if the matter shall be determined against the appellant; and the justices at such quarter sessions hereby authorized to hear and determine such appeal, award such costs for or against the appellant, as they shall think just cause so to do, which determination shall be final and shall not be removed by *certiorari*.

1 be it further enacted, That this act shall be deemed Public act.
n to be a public act; and shall be judicially taken
as such, by all judges, justices, and other persons
ver, without specially pleading the same.

[41 Geo. 3. c. 23.]

for the better Collection of Rates made for the Relief of
or. [18th April 1801.]

whereas by an act of Parliament made and passed in the 17 G. 2. c. 38.
nth year of the reign of His late Majesty King George
md, intituled *An act for remedying some defects in the*
: in the forty-third year of the reign of Queen Elizabeth,
; 'An act for the relief of the poor;' power was given
es of the peace, upon appeals from rates and assess-
where they should see just cause to give relief, to amend
s in such manner only as should be necessary for giv-
relief, without altering such rates or assessments with
to other persons mentioned in the same : And whereas
thing or setting aside of rates or assessments made for
of the poor, is attended with great inconvenience ;
ath happened, in consequence of the rate or assessment
ashed or set aside, or of notice of appeal against the
ate being given, the churchwardens and overseers of
r have not had any money in hand for the relief and
ance of the poor : " For remedy whereof, may it
/our Majesty that it may be enacted ; and be it enacted
King's most excellent Majesty, by and with the advice
sent of the lords spiritual and temporal, and com-
in this present parliament assembled, and by the au-
of the same, That, from and after the passing of this
m all appeals from any rate or assessment made for
ef of the poor of any parish, township, vill, or place,
rt of general or quarter sessions of the peace shall, and
urt is hereby authorized and required (in all cases
they shall see just cause to give relief) to amend such
assessment, either by inserting therein or striking out
me or names of any person or persons, or by altering
r sums therein charged on any person or persons, or
other manner which the said court shall think neces-
r giving such relief, and without quashing or wholly
aside such rate or assessment : Provided always, that
aid court shall be of opinion that it is necessary, for the
e of giving relief to the person or persons appealing,

On appeal
from any
poor rate, the
quarter ses-
sions may
amend it
without
quashing it,
or if neces-
sary to grant
relief may
quash the
rate, but the
sum assessed
shall not-
withstanding
be levied.

that the rate or assessment should be wholly quashed the said court may quash the same ; but nevertheless, every the sum and sums of money in and by such rate or assessment charged on any person or persons, shall and be levied and recovered by such ways and means, and in the same manner, as if no appeal had been made against such rate or assessment ; and all and every the sum and sums of money which any person or persons charged in such rate or assessment shall pay, or which shall be levied upon or recovered from him, her, or them, shall be deemed and taken as payments, on account of the next effective rate or assessment or assessments, which shall be made for the relief of the poor of the same parish, township, vill, or place.

Notice of appeal not to prevent distress being made for the recovery of the rate, provided the sum be not greater than that assessed in the last effective rate.

II. And be it further enacted, That from and after the coming into force of this act, all and every the sum and sums of money which any person or persons is or are or shall be rated or assessed, in any rate or assessment made for the relief of the poor of any parish, township, vill, or place, shall and be levied and recovered by distress, and all other lawful ways and means, notwithstanding the person or persons so rated or assessed, or any other person or persons, shall have given notice of appeal from or against such rate or assessment, for any cause whatsoever : Provided always, that if any person or persons assessed in any rate or assessment, made for the relief of the poor, shall give such notice of appeal as hereinafter mentioned, to the churchwardens and overseers of the poor of any parish, township, vill, or place, or any two of them, then and after the giving of such notice, and until the appeal shall have been heard and determined, no proceedings shall be commenced or carried on to recover any greater sum or sums of money from such person or persons, than the sum or sums of money which he, she, or they, or any occupier of the same premises shall have been rated or assessed in the last effective rate or assessment which shall have been collected in such parish, township, vill, or place.

Quarter sessions having ordered a rate to be quashed, may order the sum charged on any person not to be paid, and stop proceedings for the recovery thereof &c.

III. And be it further enacted, That in case the said court shall order any rate or assessment for the relief of the poor to be quashed, it shall be lawful for the said court to order that the sum or sums of money, in and by such rate or assessment charged on any person or persons, or any part of any sum or sums, not to be paid, and then and in every such case no proceedings shall, after making such order, be commenced or carried on, or if any proceedings shall have been previously commenced or carried on, such proceedings shall be no further prosecuted or carried on for the purpose of levying or enforcing the payment of

which shall be so ordered by the said court not to
foresaid; Provided always, that no justice of the
able, or other officer of the peace, or other person,
med a trespasser, or liable to any action, for any
ler, act or thing, which such justice, constable, or
: or person shall have granted, made, executed, or
e purpose of levying or enforcing the payment of
m or sums of money, before he shall have had no-
ng of the order for the non-payment of such sum
money, which the said court is hereby authorized
foresaid.

be it further enacted, That from and after the his act, all notices of appeal from or against any assessment made for the relief of the poor, or from or account of the churchwardens and overseers of the parish, township, vill, or place, shall be in writing, all be signed by the person or persons giving the same, her, or their attorney, on his, her, or their behalf, notices of appeal shall be delivered to or left at the abode of the churchwardens and overseers of the parish, township, vill, or place, or any two of the particular causes or grounds of appeal shall be specified in such notice; and upon the hearing of the same from or against any such rate or assessment, or in any court of general or quarter sessions to which such appeal shall be made, shall not examine or inquire into any ground of appeal than such as are or is stated in the notice of appeal.

Notices of appeal to be given to churchwardens and overseers of the poor, &c.

**Notices of
appeal to be
given to
churchwar-
dens and
overseers of
the poor, &c.**

led nevertheless, and be it further enacted, That Appeals may be decided, if the parties consent, although notice be not given.

Appeals may be decided, if the parties consent, although notice be not given.

be it further enacted, That from and after the this act, if any person or persons shall appeal rate or assessment made for the relief of the poor, other person or persons is or are rated or assessed or assessment, or is or are omitted to be rated therein, or because any other person or persons ed or assessed in any such rate or assessment at or less sum or sums of money than the sum or

Persons appealing against any rate shall give notice not only to the churchwardens, &c. but also to the persons interested, &c.

Persons appealing against any rate shall give notice not only to the churchwardens, &c. but also to the persons interested, &c.

sums at which he, she, or they, ought to be rated or assessed therein, or for any other cause that may require any alteration to be made in such rate or assessment with respect to any other person or persons, then, and in every such case, the person or persons so appealing for the causes aforesaid, or any of them, shall give such notice of appeal, in writing hereinbefore mentioned, not only to the churchwarden, overseers of the poor, or any two or more of them, but also to the other person or persons so interested or concerned in the event of such appeal as aforesaid; and such other person or persons shall, if he, she, or they, shall so desire, be present upon the said appeal; and it shall be lawful for the court at the general or quarter sessions of the peace, on the hearing of such appeal, to order the name or names of such other person or persons to be inserted in such rate or assessment, and him, her, or them, to be therein rated and assessed at such sum or sums of money, or to order the name or names of such other person or persons to be struck out of such rate or assessment, or the sum or sums at which he, she, or they, or are rated or assessed therein, to be altered in such manner as the said court shall think right; and the proper officer of the said court shall forthwith add to or alter the rate or assessment accordingly.

The rate shall be recovered as altered by the quarter sessions.

VII. And be it further enacted, That if upon the hearing of any appeal from or against any rate or assessment, the said court shall order the name or names of any person or persons to be inserted therein, and him, her, or them, to be rated or assessed at any sum or sums of money, or shall order the sum or sums, at which any person or persons is or are therein rated or assessed to be raised or increased, then, in such case, all and every the sum and sums of money or sums to which such person or persons shall be so ordered to be rated or assessed, or to be raised or increased, or so much thereof as shall not have been already paid, shall and lawfully may be recovered in such and the same manner, and by such means, as if he, she, or they, had been originally named in such rate or assessment, and rated or assessed therein at such sum or sums of money.

In case in the rate the name of any person shall be struck out, or any sum lowered, the quarter sessions shall order the money,

VIII. And be it enacted, That if upon the hearing of any appeal from any rate or assessment for the relief of the person or persons, the court of general or quarter sessions of the peace shall order the name or names of any person or persons to be struck out of such rate or assessment, or the sum or sums at which any person or persons is or are rated or assessed on any person or persons to be decreased or lowered; and if it shall be made appear to the said court that such person or persons hath or have, previously to the hearing

an appeal, paid any sum or sums of money, in consequence of such rate or assessment, which he, she, or they not to have paid, or been charged with, then and in such case the said court shall order all and every such sums of money to be repaid and returned, by the churchwardens and overseers of the poor, to the persons having paid the same respectively, together with reasonable costs, charges, and expences, occasioned by person or persons having paid or been required to pay the same; and all and every the sum and sums of money so paid to be repaid or returned by the churchwardens and overseers of the poor, or any of them, shall and may, together with all such costs, charges, and expences as aforesaid, be repaid and recovered from them, or any of them, by distress in all such other ways and means as the money charged, or assessed, on any person, by any rate or assessment for the relief of the poor, can or may be by law levied and recovered.

which ought not to have been recovered, to be repaid.

“And whereas it may have happened that the churchwardens and overseers of the poor of some parishes, townships, or places, have not been able to collect a sum of money for the relief and maintenance of the poor within or owing to the same, but they, or the guardian or guardians of such parishes, townships, vill, or places, have before actually advanced and expended considerable sums for that purpose;” Be it therefore enacted, That it shall be the duty of the churchwardens and overseers of the poor of any parish, township, vill, or place, or any of them, out of any rate or assessment which they, or any of them, shall collect or receive for the relief of the poor of such parish, township, vill, or place, to repay and reimburse the preceding churchwardens and overseers, guardian or guardians of the poor of such parish, township, vill, or place, all such sums of money as or any of them have heretofore advanced or expended for the relief or maintenance of the poor within or belonging to such parish, township, vill, or place, during the time when no rate or assessment for the relief of the poor thereof has been made, or during the time that any appeal has been pending which affected the whole of such rate or assessment, or upon the hearing of which, the same might be quashed or set aside; and in case the churchwardens and overseers of the poor of any parish, township, vill, or place, shall not pay to the preceding churchwardens and overseers, guardian or guardians, all such sums of money as or any of them have so advanced and expended for the relief and maintenance of the poor as aforesaid, within

In default of churchwardens and overseers of the poor repaying the money expended by the preceding churchwardens, &c. for the maintenance of the poor, the churchwardens, on application being made to them shall make an order for payment.

fourteen days next after demand in writing made for that purpose, it shall be lawful for such preceding churchwardens and overseers, guardian or guardians of the poor, or any one or more of them, to apply to the then next court of general sessions of the peace for the county, riding, division, corporation, or franchise, within which such parish, township, vill, or place is situate, giving due notice in writing of such application to the then churchwardens and overseers of the poor of such parish, township, vill, or place, or any one or more of them; and the said court of general sessions of the peace shall enquire into the matter of such application, and examine the parties and their witnesses upon oath, and shall make an order upon the then churchwardens and overseers of the poor of such parish, township, vill, or place, or any of them, out of the money collected, or to be collected or received by them, or by any one or more of them, under or in pursuance of any rate or assessment for the relief of the poor, to pay such sum or sums of money to the preceding churchwardens and overseers, guardian or guardians of the poor of the same, or any one or more of them, as the said court shall think fit; and all and every the sums of money so ordered by the said court to be paid, and may be levied and recovered by distress, and by all other ways and means as the money charged, rated or assessed on any person by any rate or assessment for the relief of the poor, can or may be by law levied and recovered.

[42 Geo. 3. c. 46.]

An Act to require Overseers and Guardians of the Poor, to keep a Register of the several Children who shall be bound as Apprentices; and to extend the Provisions of an Act, passed in the Twentieth Year of the said Majesty, to the binding of Apprentices by Industry, or Establishments for the Poor, which has been authorized so to do by subsequent Acts. [7th May 1777]

- 43 Eliz. c. 2. "Whereas by an act passed in the forty-third year of the reign of Queen Elizabeth, intituled, *An Act for the better regulating the poor*, the overseers of the poor of every parish are bound to bind out any poor children as apprentices, until every male child shall attain the age of twenty-four years, and until every such female child shall attain the age of twenty-one years, or the time of her marriage: And whereas it would tend to the benefit of the children so bound as

he overseers of the poor were required to keep a
 f all the children who shall be so bound :” May it
 please Your Majesty that it may be enacted ; and
 cted by the King’s most excellent Majesty, by and
 advice and consent of the lords spiritual and tem-
 a commons, in this present parliament assembled,
 is authority of the same, That the overseers of the
 every parish, township, or place, appointed by virtue
 id recited act, passed in the forty-third year of the
 Queen Elizabeth, shall, from and after the first day
 and they are hereby required to provide and keep a
 books, at the expence of the said parish, township,
 , and to enter or cause to be entered therein, the
 every child who shall be bound out by them re-
 y as an apprentice, together with the several other
 rs in manner and form required by this act, ac-
 to the schedule hereunto annexed ; and every such
 then made in the said register, shall be produced
 before the two justices of the peace who shall signify
 ent to the indenture of apprenticeship of every such
 the time when such indenture shall be laid before
 tices for their assent, as required by the said recited
 l each entry in the said register shall, if approved of
 jstices, be signed by them according to the form
 in the schedule hereunto annexed.

The overseers
 of the poor
 shall, after
 June 1. keep
 a book for
 entering the
 name of eve-
 ry apprentice
 bound out by
 them, and
 each entry
 shall be sign-
 ed by two
 justices, ac-
 cording to
 the form in
 the schedule.

nd be it further enacted, That if any overseer or
 a of the poor shall refuse or neglect to provide and
 ch book or books or to make such entry therein as
 directed, or shall destroy, or permit, suffer, or cause
 destroyed, any such book or books, or shall wilfully
 wingly obliterate, deface, or alter any such entry,
 the same shall not be a true entry of the several
 rs hereby required, or shall wilfully and knowingly
 false entry therein, or shall so permit, suffer, or
 e same to be done, or shall not produce or lay such
 books before such justices as aforesaid for their sig-
 , or shall not deliver or tender, or cause to be de-
 r tendered, such book or books to his, her, or their
 r or successors in office, within fourteen days after
 vintment of such successor or successors, or if any
 xcessor or successors shall refuse or neglect to receive
 is when offered or tendered to him or them by his
 predecessor or predecessors in office, then and in
 ch case, every such person so offending shall, for
 each offence, on being convicted thereof before any
 tices of the peace for the county, city, or place,
 he offence shall be committed, on the oath of any

Penalty for
 not providing
 such book, or
 neglecting to
 make such en-
 tries there-
 in, &c.

credible witness (which oath such justices are hereby powered and required to administer), or on the voluntary confession of the party or parties, forfeit and pay a sum exceeding five pounds, to be recovered by distress and of the goods and chattels of the offender or offenders warrant under the hands and seals of the justices before whom the offender or offenders shall be convicted, and the overplus (if any) of the money arising by such distress and sale, to be returned upon demand to the owner or owners of the goods and chattels, after deducting the costs and charges of making, keeping, and selling such distress; and such penalties and forfeitures shall be applied for the use of the poor of the parish, township, or place, for which such offenders shall be overseer or overseers; and in case sufficient distress cannot be found, or such penalties and forfeitures shall not be paid forthwith, it shall and may be lawful to and for such justices, by warrant under their hands and seals, and they are hereby required to commit such offender to the common gaol or house of correction in the county, city, or place, where the offence shall be committed, there to remain without bail or mainprize, for a time not exceeding one calendar month, unless such penalties and forfeitures shall be sooner paid and satisfied.

Books may be inspected, and shall be deemed evidence.

III. And be it further enacted, That it shall and may be lawful for any person or persons, at all seasonable hours, to inspect such book or books in the hands of the said overseer or overseers, and to take a copy of such entry in such books, upon payment of the sum of sixpence, except in the case of any of His Majesty's justices of the peace acting in and about the said county, who shall be entitled at all such times to inspect such book *gratis*; and every such book shall be deemed to be sufficient evidence in all courts of law whatsoever, in proof of the existence of such indentures, and also of the several particulars specified in the said register respecting such indentures, in case it shall be proved to the satisfaction of such court that the said indentures are lost or have been destroyed.

IV. And be it further enacted, That the justices of the peace before whom any person shall be convicted by virtue of this act, shall and may cause the conviction to be drawn up in the following form; (*videlicet*),

Form of conviction.

' Be it remembered, That on the
' day of

in the year of

' Lord

' A. B. is convicted before us, two of His Majesty's just

the peace for the (specifying the offence, and the time and place when and where committed, as the case may be) contrary to an act made in the forty-second year of the reign of King George the Third, intituled, (*here set forth the title of this act*). Given under our hands and seals the day and year above mentioned.'

And be it further enacted, That whenever any such apprentice shall be assigned or bound over to any other master or mistress by virtue of an act passed in the thirty-second year of the reign of His present Majesty, intituled, *An act for the further regulation of parish apprentices*, then and in every such case the overseer or overseers, party or parties to the assignment of such apprentice, shall insert the name and residence of the master or mistress to whom such apprentice shall be assigned or bound over as aforesaid, together with the particulars in the book or books herein directed to be provided and kept by such overseer or overseers; and for non-compliance thereof, every such overseer or overseers shall be liable to the pains, penalties, and forfeitures incurred by this act, in the manner as if such apprentice had been originally bound to the master or mistress.

When assignment of apprentices shall take place, an entry thereof shall be made in such book in manner herein directed.

"VI. And whereas by different acts of parliament, the like powers are given to certain persons therein named, for binding out parish apprentices, as are given to the overseers of the poor;" Be it therefore enacted, That such several persons shall be subject to the like pains, penalties, and forfeitures for non-compliance with the several provisions and directions in the act contained for registering any parish apprentice bound out or assigned by them respectively, to which overseers of the poor are subject and liable by virtue of this act, for non-compliance with such provisions and directions.

Persons having like powers as overseers of the poor to bind out apprentices, shall comply with the directions of this act.

VII. And be it further enacted, That if any person or persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this act, it shall and may be lawful to and for such person or persons to appeal to the justices at the first general quarter sessions of the peace to be holden for the county or place where the cause of appeal shall arise, within four calendar months next after the cause of appeal shall have arisen, on giving to the person or persons appealed against ten days' notice of such appeal, and of the matter thereof; and the justices at such sessions are hereby authorized and required to hear and determine the matter of such appeal in a summary way, and to grant such costs and expences to either party as to them shall seem reasonable.

Appeal may be made to quarter sessions.

The powers of 20 G. 3. c. 36. shall extend to poor children bound apprentices under the authority of any subsequent act.

“VIII. And whereas by an act, passed in the year of His present Majesty, the powers which were several preceding acts of parliament to bind poor children are, by the said act of the twentieth year of His Majesty, extended as to the power of compelling persons to be bound apprentices to them in pursuance of the said acts : and whereas since that time several acts have been authorized to bind apprentices ; and doubts have been whether the powers and provisions in the said act of the twentieth of His Majesty, will extend to the case of apprentices bound out under the authority of such subsequent act it therefore enacted by the authority aforesaid, that the powers and provisions in the said recited act of the twentieth of His Majesty contained, shall extend and are hereby intended, and shall have full effect, to poor children bound apprentices under the authority of any acts passed in pursuance of the said recited act, in the same manner as if such acts had been passed prior to the said recited act of the twentieth year of His Majesty.

Number.	Date of Indenture.	Name of the Apprentice.	Sex.	Age.	His or her Parents' Names.	Their Residence.	Name of Persons to whom bound or assigned, as the case may be.	His or her Trade.	His or her Residence.	A CERTIFICATE OF the Apprentice or Assignment.	Apprentice or Assignment Fee.	Overseers Putties to the Indenture or Assignment.	Magistrates assenting.
													(to be signed by them- selves.)

[42 Geo. 3. c. 69.]

*An Act to enable such Officers, Mariners and Soldiers
been in the Land or Sea Service, or in the Marines,
Militia, or any Corps of Fencible Men, since the
fourth Year of His present Majesty's Reign, to exercise*
[22d Jun

5 Eliz. c. 4.

Officers, mar-
iners, &c.
employed
since July 16,
1784, and
their wives
and children,
may set up
and exercise
trades in any
part of this
kingdom,
and not
moveable
from thence
as poor until
they become
actually
chargeable.

“Whereas there have been and are divers officers, and soldiers and marines who have served His Majesty in wars by sea and land, some of whom are men that were apprentices to trades who have no out their times, and others who, by their own industry made themselves apt and fit for trades; many of whom being now ended, would willingly employ them those trades which they were formerly accustomed which they are apt or able to follow and make use of ting their living by their own labour, but are or may dered from exercising those trades in certain cities and rations, and other places within this kingdom, by certain bye laws and customs of those places, and statute made in the fifth year of Queen Elizabeth for the use of certain trades by any person who has not an apprentice to such trade for the space of seven For remedy whereof be it enacted by the King's most lent Majesty, by and with the advice and consent of spiritual and temporal, and commons, in this present ment assembled, and by the authority of the same, such officers, mariners, soldiers and marines as have any time employed in the service of His Majesty since tenth day of July one thousand seven hundred and four, and have not since deserted the said service, and wives and children of such officers, mariners, soldiers and marines, may set up and exercise such trades as they and able for in any town or place within this kingdom any let, suit, or molestation of any person or persons ever, for or by reason of the using of such trade; such officers, mariners, soldiers or marines, or their children, during the time they shall exercise such be removeable from such respective place or places her, or their last legal place of settlement by virtue law now in being relative to the settlement of the person or persons shall become actually chargeable such parish or place: and if any such officer or officer ner or mariners, soldier or soldiers, marine or marine

any child of any such officer, mariner, soldier or shall be sued, impleaded or indicted in any court ever within this kingdom for using or exercising any trades as aforesaid, then the said officer or officers, mariners, soldier or soldiers, marine or marines, or wife or child of any such officer, mariner, soldier or e, making it appear to the same court where they are ad, impleaded or indicted, that they have served His ty as aforesaid, or that he, she, or they is or are the wife res, child or children of such officer or officers, mariner riners, soldier or soldiers, marine or marines who shall so served His Majesty, shall, upon the general issue ed, be found not guilty in any plaint, bill, information or ment exhibited against them; and such person or per- who, notwithstanding this act, shall prosecute the said y bill, plaint, information or indictment, and shall have dict passed against him or them, or become nonsuit in, or discontinue his or their said suit, such person reons shall pay unto such officer or officers, mariner or sers, soldier or soldiers, marine or marines, or the wife ild of such officer, mariner, soldier or marine respec- r, double costs of suit, to be recovered as any other costs mmon law may be recovered; and all judges and jurors e whom any such suit, information or indictment shall ought, and all other persons whatsoever are to take no- of this present act, and shall conform themselves thereto; statute, law, ordinance, custom or provision to the con- r in anywise notwithstanding.

If sued, may plead the general issue, and shall be entitled to double costs.

And be it further enacted, That it shall and may be al for any two or more justices of the peace for the ty, town or place where any such officer, mariner, soldier marine shall set up and exercise any trade as aforesaid, to e such mariner, soldier or marine to be summoned before i in the town or place where such officer, mariner, sol- or marine shall set up and exercise such trade as afore- in order to make oath of the place of his last legal set- ent (which oath the said justices are hereby empowered dminister); and such officer, mariner, soldier or marine hereby directed to obey such summons and to make oath rdingly; and such justices are hereby required to give an ted copy of such affidavit so made before them, to the n making the same, in order that he may produce it a required; which attested copy shall at any time be ad- ed as evidence as to such last legal settlement before any is Majesty's justices of the peace at any general or quarter ons of the peace: Provided always, that in case any such r, mariner, soldier or marine shall again be summoned

On summons before two justices, such persons shall make oath as to the place of their last legal settlement; an attested copy whereof shall be given them, and shall be admitted as evidence of such settlement in future.

to make oath as aforesaid, then on such attested copy of oath by him formerly taken being produced by him, any other person on his behalf, such officer, mariner, or marine shall not be obliged to take any other or further oath with regard to his legal settlement, but shall leave off such attested copy of his examination, if required.

Extended to militia-men, &c. having served 5 years.

III. And be it further enacted, That this act and every thereof, shall extend to all officers and soldiers who have personally served in the militia, or any of the fencible regiments from the said sixteenth day of July one thousand seven hundred and eighty-four, for the term of five years, and have honourably discharged.

Proviso for the two Universities.

IV. Provided always, That this act shall not in any way be prejudicial to the privileges of the Universities of Cambridge and Oxford, or either of them, or extend to give liberty to any person to set up the trade of a vintner, or to sell any other liquors within the said universities without licence as they first had and obtained from the Vice Chancellor of the same respectively.

[42 Geo. 3. c. 74.]

An Act to amend an Act, made in the Twenty-second Year of his Present Majesty, for the better Relief and Employment of the Poor, so far as relates to the Payment of Debts incurred for building any Poor House.

[22d June, 1802.]

22 G. 3. c. 83. "Whereas by an act, made in the twenty-second year of His present Majesty, intituled, *An act for the better Relief and Employment of the poor*, it was, among other things, enacted, that in case any money should be borrowed, under the authority of the said act, for the building any poor-house or workhouse, or purchasing any land necessary to be used for that purpose, the assessments for the relief of the poor should continue at the same rates they were when such poor-house or workhouse was first established, until the debts so contracted, and interest thereof, should be fully discharged: And whereas said provision has been found highly burdensome and oppressive to such parishes as have adopted the provisions of the said act, from the necessity there has been, on account of the high price of provisions, to impose heavy rates for the relief of the poor during the last two years: Be it therefore enacted by the King's most excellent Majesty, by and with the

of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of that the guardians of the poor of any parish, who in any poor-house or workhouse under the powers recited act, shall, and they are hereby authorized and empowered, with the consent of the several persons to whom the same shall be due and payable, yearly and every year, to pay off and discharge any part of the money borrowed under the said recited act, not being less than any part thereof, besides the interest which may be due on the sum remaining undischarged; and in case any part thereof shall not in any one year be sufficient to discharge any one of the notes for fifty pounds, issued under the directions of the said act for securing the same, under the authority thereof, the same shall, from time to time, remain in the hands of the overseers of the said parish, until it amounts to a sufficient sum to discharge any of the said notes: any thing contained in the said recited act to the contrary hereof in any wise notwithstanding.

The guardians of the poor of any parish who have erected any workhouse under the recited act, shall, with the consent of the persons to whom payable, pay off yearly not less than one-twentieth part of the money borrowed. Money to remain in overseers' hands till it amounts to 50*l.*, to pay off the notes of that amount.

[43 Geo. 3. c. 47.]

for consolidating and amending the several Laws for Relief for the Families of Militia Men of England, and put into actual Service. [27th May, 1803.]

as it is expedient that many of the provisions contained in several acts relating to the relief directed to be given to the families of commissioned officers, drummers, fifers, and privates in the militia for *England* should be repealed, and that new provisions should be made; and it would greatly tend to the consolidation thereof, if the whole of the said provisions might be comprised in one act of parliament: And whereas it is for the purposes aforesaid, that certain acts and statutes now in force should be repealed; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, in this present parliament assembled, by the authority of the same, That, from and after the passing of this act, an act passed in the thirty-third year of the said King's Majesty, (intituled, *An act to provide for the relief of persons chosen by lot to serve in the militia of this Kingdom, and of substitutes serving therein; and to explain and*

33 G. 3. c.

The families of militia-men when embodied shall receive a weekly allowance out of the poor rates.

II. And be it further enacted, That if any person enrolled in the militia of *England*, as a non-commissioned officer or drummer, or as a *balloted* man or substituted man or volunteer respectively, shall, when embodied in actual service, leave a family unable to support themselves, the overseer or overseers of the poor of the parish

wnship where the family of such person shall dwell, or order of some one justice of the peace, pay to the every such non-commissioned officer, drummer, balloted man, substitute, hired man, or volunteer respectively, out of the rates for the relief of the poor of such parish, tything, or township, a weekly allowance, according to the usual and proper price of labour in husbandry within the said county, division, district, or place where such family shall be, by the following rule; that is to say, any sum not exceeding the price of one day's such labour, nor less than one penny for each and every child born in wedlock, and under the age of ten years; and for the wife of such non-commissioned officer, drummer, balloted man, substitute, hired man, or volunteer, whether he shall or shall not have any child or children, any sum not exceeding the price of one day's such labour, nor less than one shilling; and in every parish, tything, or township, where the money arising by such rates shall be sufficient for the purpose aforesaid, a new rate or rates shall be made for raising a sum sufficient for that purpose.

And be it further enacted, That it shall be lawful for the justices of the peace, assembled at any *Michaelmas* general sessions of the peace held for any county, riding, division, or place in *England*, raising any militia, to settle, fix, and regulate the rate of allowance to be paid under this act to the families of militia men resident within such county, riding, division, or place; and every such rate of allowance so settled, ascertained, and regulated as aforesaid, shall be binding upon all justices of the peace making any order for the payment of allowance under this act in such county, riding, division, or place, until any other or new rate of allowance shall be settled as aforesaid.

The justices at any *Michaelmas* quarter sessions, may regulate the rate of allowance.

Provided always, and be it further enacted, That no allowance shall be ordered or paid under this act to the wife or family of any person serving in the militia, until such person shall have joined the regiment, battalion, or corps to which he belongs, or for any longer period than such person shall continue to serve and remain embodied in actual service, in any case in which the wife, in respect of or by whom such relief is demanded, shall follow the regiment, battalion, or corps in which her husband shall serve, or shall leave her child or children, if any, or depart from her home, without certificate of any neighbouring justice of the peace, or the overseer or overseers of the parish in which such relief shall be given, authorizing such departure for a longer period than is specified therein for the purposes of harvest, or obtaining for her a better support for her family, or unless for the

Conditions on which allowance shall be paid.

purpose of going to reside, and residing in the parish or place, for which her husband shall serve, in case time of her husband being called out into actual service shall be residing in any other parish, tything, or place.

V. Provided also, and be it further enacted, That any allowance under this act shall be ordered or paid to the any substitute, hired man, or volunteer, who shall at of his enrolment have fraudulently and falsely represented and declared that he had no wife or family, or to substitute, hired man, or volunteer, having more than one at the time of his enrolment, who shall have fraudulently falsely represented and declared at the time of such enrolment that he had only one child: Provided always, that every substitute, hired man, or volunteer, to whom any such allowance shall belong, shall undertake and make provision for the maintenance of his other children, to the satisfaction of the justice of the peace to whom any application shall be made under this act for the relief of such family, it shall be the duty of such justice to order the allowance under this act to be paid in respect of the wife of such substitute, hired man, or volunteer, and of one child of such family under the age of ten years.

Family of any commissioned officer or drummer reduced to a private man for misconduct, not to receive such allowance;

VI. Provided also, and be it further enacted, That any allowance under this act shall be paid to the family of any commissioned officer or drummer, reduced for misconduct to the condition of a private man, such reduction being by the commanding officer or adjutant to the next general meetings, and by him to the treasurer of the parish, tything, or place, in the militia of which such commissioned officer or drummer shall serve, and by such treasurer to the overseers of the poor of the parish, tything, or place, in which such family shall dwell, and every such allowance shall cease and determine from the time of such reduction being so certified to the overseers as aforesaid, and no longer payable, notwithstanding any order of any court to the contrary; and every such family requiring relief from and after that time, be relieved as casual poor.

nor the family of any substitute, &c. who shall marry after being called out into actual service without the consent of the commanding officer.

VII. Provided always, and be it further enacted, That from and after the passing of this act, no allowance shall be given, or ordered to be given, to any substitute, hired man, or volunteer, who shall marry after and during the time of his being called out into actual service, unless such marriage shall have taken place with the consent of the colonel or commanding officer of the battalion or corps, to which such militia man shall

assent shall have been certified under the hand of
or other commanding officer.

vided always, and be it further enacted, That the
non-commissioned officers, drummers, or balloted
substitutes, hired men, or volunteers, shall not
be, or sent to any workhouse or poorhouse by
receiving any such allowances; nor shall any per-
son's families any such allowances shall be paid, be-
lieved of their legal settlements elsewhere, or of
of voting for the election of members to serve in

Families not
to be sent to
any work-
house for re-
ceiving such
allowances,
&c.

be it further enacted, That every such weekly
to be paid under this act, to the family of any
non-commissioned officer or drummer, shall be repaid to the
overseers of the poor of the parish, tything, or
in which such family was relieved, by the treasurer
of the parish, riding, or place, in which such parish, tything,
is situated, out of the public stock thereof;
weekly allowance which shall be so paid to the
any non-commissioned officer or drummer, in any
parish, riding, or place, than that for which such non-
commissioned officer or drummer shall serve, or to the
any private man in any other parish, tything, or
than the one for which such private militia man
, shall respectively be reimbursed in the manner
mentioned.

Allowances
to non-com-
missioned
officers and
drummers, to
be repaid the
overseers of
the poor by
the county
treasurer.

And always, and be it further enacted, That in all
where a certain number of private militia men are
to be raised for any county, together with or in
any city, borough, town, or place in *England*, being
in the district of itself, not contributing to the general
rate, the several sums of money raised for the relief
of families of non-commissioned officers and drummers
in such county, shall be divided and apportioned between and
such county and such city, borough, town, or
place, or county or district of itself, or not contributing
to the general county rate, in such proportions as the re-
spective members of militia men, apportioned to be raised
in such county, and by such city, borough, town, and
place, respectively, bear to each other.

Relief to fa-
milies of non-
commission-
ed officers
and drum-
mers to be
apportioned
between
counties at
large and
places not
contributing
to the county
rates.

be it further enacted, That the treasurers of any
parish, city, borough, town, and place respectively, are
authorised and required to demand, receive, and make
one another.

Treasurers to
pay such pro-
portions to
one another.

payment of such proportions and sums of money, to the other of them, as the case may require.

Disputes as to proportions to be settled by the lord lieutenant or three deputy lieutenants.

XII. And be it further enacted, That if any dispute shall arise as to the proportions so to be settled, or any other matter or thing relating to such payments, the lord lieutenant of the said county, or in his absence the deputy lieutenants, or any two or more of them, at any meeting called, or to be called, and he and they is and are hereby empowered, required, to adjust and settle the same, whose determination shall be final; and the said lord lieutenant or deputy lieutenants, or any three or more of them, is respectively hereby authorized and empowered to require, and inspect the account and accounts of every treasurer, for the purpose of adjusting and settling the same proportion.

In places not contributing to the county rate, where no treasurer is appointed, the quarter sessions shall appoint one.

XIII. And be it further enacted, That in all cities, liberties, divisions, and places, which do not contribute to the general county rates, and where no treasurer is appointed, the justices of the peace for every such city, liberty, division, and place, in case there are any, at their next meeting, or then the justices of the county, wherein such city, liberty, division, and place shall be, shall and may, be hereby required, at their general quarter sessions, to appoint a treasurer, and from time to time to assess every parish, tything, township, hamlet, and vill, within the liberties of such cities, towns, liberties, divisions, and places, in such proportions as the rates heretofore made for the relief of the poor have usually been assessed, and shall be paid, out of the money collected and levied for the relief of the poor of every such parish, tything, township, and vill, into the hands of such treasurer, such sum of money, as are, shall, and may be, in their discretion, necessary for the purposes of this act; and such treasurer shall pay and dispose of the same accordingly, and shall act in all respects, in respect to the provisions of the same as the treasurer or treasurers of parishes, where a public stock is now raised.

Overseers advancing money to be reimbursed.

XIV. And be it further enacted, That in every parish, town, or township, in which any allowance under this act shall be paid to any family of any private militia man in any other parish, town, or township, than that for which such private militia man shall serve, it shall be lawful for the justices of the peace, who shall make any order for the relief of such

by the same under his hand, and in such certificate to the overseers of the parish, tything, or township, in which such private militia man shall serve, to reimburse money so paid to the overseer or overseers who shall have advanced the same in pursuance of the order before made.

Provided always, and be it further enacted, That by reason of the distance of any parish, tything, or township, in which any allowance under this act shall be made to the family of any private militia man serving for his parish, tything, or township, from such other parish, tything, or township, where the same shall be situate in any county, riding, division, or place, the overseer or overseers of the poor entitled to the repayment of such allowance under any such order and certificate as aforesaid, cannot conveniently procure the repayment thereof from the overseers of the poor of the parish, tything, or township, for which such private militia man shall have served or be serving, it shall be lawful for such overseer or overseers to demand the repayment of such allowances from the treasurer of the county, riding, or division in which the parish, tything, or township, where such allowances shall have been paid, shall situate; and every such treasurer shall, upon production of such order and certificate as aforesaid, forthwith reimburse such allowances to the overseer or overseers demanding the same.

Treasurer of the place where the allowances were paid, to be answerable;

And Provided always, and be it further enacted, That every such treasurer as aforesaid, who shall reimburse to such overseer or overseers as aforesaid, any sum or sums of money in pursuance of this act, on account of any such allowance paid to the family of any non-commissioned soldier or drummer, or any private militia man serving in the militia of any other county, riding, or division, shall send or transmit an account of such money as he shall be so reimbursed as aforesaid, signed by one or more of the justices of the peace for the county, riding, city, town, liberty, division, or place where such family shall situate, to the treasurer of the county, riding, city, town, township, division, or place in the militia whereof such non-commissioned officer, drummer, or private militia man shall serve, and thereupon the treasurer to whom such account shall have been delivered or transmitted as aforesaid, shall be hereby required forthwith to pay to the treasurer, who shall have so delivered or transmitted such account, the sum or sums so by him reimbursed to such

who may recover payment of the treasurer of the place for which the man shall serve.

overseer or overseers, and shall be allowed the same accounts.

Quarter sessions to order the money to be repaid out of the poor rates.

XVII. And be it further enacted, That every treasurer shall repay to any treasurer of any other county, riding, or division, any such allowances as aforesaid, on any such account as aforesaid, shall transmit such signed account also an account of all monies so repaid by him in part thereof, to the justices of the peace for the county, riding, or division, at the next or general quarter sessions of the year or any subsequent sessions; which accounts so received shall be allowed by the justices at such sessions, who shall fit as to all allowances so repaid in respect of the families of private militia men, make orders for the overseers of the respective parishes, tythings, or townships fit that every private militia man shall respectively serve, or be levied, to pay the same to the treasurer of such county or place, out of the poor rates of such respective parishes, tythings, or townships, within fourteen days next after the receipt of such orders respectively.

In Exeter, the allowances shall be paid by the treasurer of the corporation of the poor.

XVIII. Provided always, and be it further enacted, That within the city and county of the city of *Exeter*, all that shall be made by virtue of this act to the families of private militia men, shall be paid by the treasurer or treasurer of the corporation of the governor, deputy governor, and guardians of the poor of the city and county of *Exeter*, and that the same shall be ascertained, assessed, collected, and levied by such and the same ways and means as the money raised for the relief of the poor within the city and county is, by virtue of the several acts of parliament now in force for the relief of the poor within the said city and county, or any or either of them directed to be raised; and it shall be lawful for the several persons authorized by the said acts in execution, to cause to be raised and levied such sum or sums as shall be necessary for that purpose, above what they are already authorized to raise for the relief of the poor of the said city and county; and all persons and persons who are by the said acts, or either of them, required to do any act, matter, or thing, for the assessing, confirming, or altering of assessments, and levying the sums thereby directed to be raised for the relief of the poor, are hereby required and authorized to do such and the like acts, matters, and things, for the assessing, confirming, or altering assessments, collecting, levying the money hereby directed to be raised, and subject to all such forfeitures and penalties, in case

tor refusal to perform the same, as are imposed for offences of the like nature by the above-mentioned acts, or either of them, and also in the same manner, and by the same means, to raise and levy, or cause to be raised and , such further sum and sums of money as shall have advanced and paid by the treasurer of the corporation of poor for the maintenance of such wives and families, and cause the same to be repaid to the treasurer of the said nation.

X. Provided also, and be it further enacted, That all rates to be levied by parish rates to be made within the city and county of the city of *Bristol*, in relation to this act, shall be ascertained, assessed, raised, collected, levied, and paid in such manner and by such and the same ways and means as are prescribed to be observed in raising money for the relief of the poor within the said city and county of the city of *Bristol*, by virtue of an act or acts of parliament relating thereto, and that it shall be lawful for the several persons authorized by the said acts in execution, to cause to be raised and levied such sum or sums over and above what they are already authorized to raise for the relief of the poor of the said city and county, and also in the same manner, and by the same means and means, to raise and levy, or cause to be raised and levied, such further sum and sums of money as shall have been advanced and paid by the treasurer of the corporation of the said city, and shall cause the same to be repaid to the treasurer of the said corporation ; and that all and every person and persons who are by the said acts, any or either of them, required to do any act, matter, or thing, for the ascertaining, assessing, levying, or altering of assessments, collecting and levying the same thereby directed to be raised for the relief of the poor, shall be required and authorized to do all such and the like acts, matters, and things, for the ascertaining, assessing, levying, or altering assessments, collecting and levying the same hereby directed to be raised, and shall be subject to all the forfeitures and penalties, in case of their neglect or refusal to perform the same, as are imposed for offences of the like nature by the above-mentioned acts, or any or either of them.

Monies to be raised in *Bristol* by parish rates, in relation to this act, shall be raised as the poor rates, &c.

XX. Provided also, and be it further enacted, That within the borough of *Plymouth*, all allowances to be made by virtue of this act, to the families of persons serving in the militia, shall be paid by the treasurer or treasurers of the corporation of the said borough, deputy governor, assistants, and guardians of the poor of the said borough of *Plymouth* ; and that the same shall be ascertained, assessed, raised, collected, and levied by

In *Plymouth*, allowances shall be paid by the treasurer of the corporation of the poor.

such and the same ways and means as the money for the relief of the poor within the said borough is, by the several acts of parliament now in force for the relief of the poor within the said borough, or any or either of the said acts directed to be raised; and it shall be lawful for the persons authorized to put the said acts in execution, to raise and levied such sum or sums as shall be necessary for that purpose, over and above what they are already raised to raise for the relief of the poor of the said borough, and every person and persons who are by the said acts or either of them, required to do any act, matter, or thing in or towards ascertaining, assessing, confirming, or altering any such sum or sums to be collected and levying the sums thereby directed to be raised for the relief of the poor, are hereby required and authorized to do all such and the like acts, matters, and things in or towards ascertaining, assessing, confirming, or altering any such sum or sums to be collected and levying the money hereby directed to be raised, and shall be subject to all such forfeitures and penalties in case of their neglect or refusal to perform the same as are imposed for offences of the like nature by the above-mentioned acts or either of them; and also in the same manner as if the same were raised and levied in the same manner as the same ways and means to raise and levy, or to collect and raise and levied, such further sum and sums of money as shall have been advanced and paid by the treasurer of the said corporation for the poor, for the maintenance of such poor and families; and shall cause the same to be repaid to the said corporation.

Accounts of allowances shall be made up, signed by the justices, and demanded of the overseers, &c. within certain periods.

XXI. Provided always, and be it further enacted, counts of all allowances paid under this act, in respect any reimbursement shall be directed by this act, shall up at the end of every successive six months, or at a year, from the time of the first commencing of the same, and shall be signed by the justices granting or for the reimbursement thereof, or by some other justice of the same county, riding, division, or place, within or after the respective periods up to which such account shall be made up, and the money due on such account shall be paid as soon as the same can be done, be demanded of the overseer of the poor of the parish, township, or place, or treasurer, as may be required to make such reimbursement as aforesaid; and the sum of money shall be demanded or demandable, and the same shall have been so first certified within one month after the same shall be made up, to the justice or justices aforesaid, and delivered to the overseer of the parish, township, or place, or treasurer, by whom such reimbursement shall be paid, within three months after such certifying shall be made up as aforesaid.

I. And be it further enacted, That in every case in the family of any private man serving in the militia of county, riding, or place in *England*, when called out and sent for actual service, shall become chargeable in respect of any greater number than the wife and three children respectively under the ages of ten years, it shall be lawful for the overseers of the poor of the parish, tything, township, or for which such man shall serve, or in which the family of such man shall reside, to provide another fit and able man under the ages of eighteen years and thirty-five years, and if no wife or any child under the age of ten years, to in the stead of the man having such family as aforesaid; he colonel or commanding officer of the regiment, battalion, or corps to which such men shall belong, upon such man being duly examined, approved of, and enrolled as an able man, and joining at the head quarters of the regiment, battalion, or corps, may and shall discharge or to be discharged the man in whose stead such other person shall be so produced, approved, and enrolled as aforesaid: It is always, that the pay of every such person so produced as aforesaid, shall commence and be drawn only from the day of the discharge of the man in whose stead he shall have been provided, and not before; any thing in any act or statute to the contrary notwithstanding: Provided also, that no such private militia man shall be discharged at any time or period of the year, than between the first day of *November* and the twenty-fifth day of *March*.

Where more than a wife and three children shall become chargeable, the overseers may provide another man to serve in room of the father.

XIII. And be it further enacted, That all payments made by any overseer or overseers in pursuance of any order or certificate of any justice or justices of the peace under this act, shall be allowed and passed in their respective accounts, in the same manner as other expences incurred on account of the militia, are now by law passed and allowed: and if any overseer or certificate of any justice or justices of the peace for the payment of any sum of money by virtue of this act, and the execution of such order or certificate to him, refuse or neglect to pay and satisfy the sum or sums of money directed to be paid in or by such order or certificate, every such overseer or justice so refusing or neglecting to make such payment, shall, for every such neglect, forfeit the sum of five pounds, to be recovered upon the oath of one or more credible witnesses, or by the confession of the party accused, before any justice making such order, or any other justice of the peace for the county, riding, division, city, or place, where the offence shall be committed; which said justice is hereby authorized and required, upon any information exhibited, or

Payments made by overseers shall be allowed as other expences on account of the militia.

Application
of penalty.

complaint made in that behalf, to summon the party and to examine into the matter of fact, and upon thereof as aforesaid, to give judgment for such penalty levied by distress and sale of the offender's goods and in case the same shall not be forthwith paid, by warrant the hand and seal of such justice, causing the oven any), after deducting the charges of such distress to be rendered to the party; and the penalty so shall be paid, one moiety thereof to the party who form for the same, and the other moiety thereof to of the parish, to the overseers of which any such money ought to have been paid.

Act shall extend to all places having separate overseers, and to places united for the purpose of balloting for men.

XXIV. And be it further enacted, That all the in this act contained, relating to the allowances to of any persons serving in the militia for any parish or township, or any united parishes, tythings, or t and for the reimbursement of all sums of money w be advanced under any of the provisions of this act, tend to all hamlets, vills, and places having separate of the poor, and maintaining the poor thereof separ distinctly, and also to all parishes, tythings, townal places united for the purposes of balloting for mili as well as to all other parishes, tythings, and places; justices of the peace, who shall make orders for the any such families, or any other justice of the same riding, division, or place, shall give directions for t bursement of money to be advanced for such purpos overseers of the poor of the parish, tything, town place, or united parishes, tythings, townships, or pl pectively, which ought to reimburse the same, or to c to the reimbursement thereof; and the treasuren several counties, ridings, divisions, and places, and tices of the peace of the several counties, ridings, d and places within which all and every such parishes, townships, and places respectively shall be, shall ma bursement and direct reimbursement to be made several parishes, tythings, townships, and places resp in the same manner as by this act is provided with r parishes, tythings, and townships therein described, a all cases whatsoever such reimbursement may be fu according to the true intent and meaning of this : where any man shall serve for any united parishes o or for any parish or place comprizing more than o ship or place, which shall have separate and distinct c of the poor, all and every such justices as aforess ascertain in what proportions such united parishes o or such several townships or places comprized wil

Justices shall ascertain what proportions shall be contributed by united places.

or place for which any such man, whose family believed, shall serve, ought to contribute to such proportions to be ascertained according to the men liable to be balloted for the militia, which united parishes or places, or each of such townships, as the case may be, shall appear to have had returns made for that purpose, and such justices orders for the reimbursement of such advances as such several proportions so to be ascertained, as to time as occasion shall require; and in order which justices to ascertain such proportions, the several subdivision meetings shall, when there-d, certify by writing under their hands, the number so liable to be balloted for, according to the return for each of such parishes, townships, or places, certificate there shall be paid a fee of one shilling.

And be it further enacted, That the adjutant of Monthly returns to be sent, battalion, or corps of militia, or where there made to the adjutant, the serjeant major thereof, shall, within the clerks of the after the twenty-fourth day of every month, during the subdivision meetings of the militia to which he shall belong remaining certain particulars, return to the respective clerks who shall transmit extracts to the overseers of the vision meetings of the county, riding, or place, to regiment, battalion, or corps shall belong, a part of all promotions and vacancies, and all deaths, and other casualties that shall have occurred among the poor. militia men serving for the several and respective of the county, riding, or place, to which such battalion, or corps, shall belong, in the calendar month each such twenty-fourth day as aforesaid; and shall christian and surname of each man so returned, or balloted man, substitute, hired man, or volunteer parish, tything, or place, for which he was served, such respective clerks of the subdivision meetings in fourteen days after the receipt of such return, copy extracts thereof to the respective overseers of such respective parishes, tythings, or places, for such man shall have been serving.

And be it further enacted, that if any person shall Appeal to the quarter sessions. be aggrieved by any order of any justice or justices of the peace, for the payment of any such sum of money as it shall and may be lawful for such person to appeal to the justices of the peace at the next general or quarter sessions of the peace for the same county, riding, division, or place, when any demand in pursuance of such order

shall be made as aforesaid, who are hereby empowered and finally determine the same; and it shall be lawful said justices, at such sessions, to award and order, when they shall see occasion, the payment of such sum and money which such appellant, as churchwarden or overseer of the poor, ought to have paid in pursuance of such order by virtue of this act, and hath neglected to pay in aforesaid.

Quarter sessions may order recompence to the treasurers out of the county stock.

XXVII. And be it further enacted, That it shall be the duty of the justices of the peace, at any general quarter session for the peace to be held for each respective county, riding, town, division, and place in *England*, to order and direct the treasurers to make recompence and satisfaction, as they shall think just and reasonable, to be made and given to the respective treasurers for their extraordinary trouble, labour, and expences, in the execution of their respective offices, while the militia is in actual service, for such time and in such manner as they shall think proper, to be paid or allowed out of the county stock or treasure of every such county, riding, town, and place respectively.

Act may be altered or repealed this session.

XXVIII. And be it further enacted, That this act, or any part thereof, may be altered, varied, or repealed, by any act or acts to be made in this session of parliament.

[43 Geo. 3. c. 61.]

An Act for the Relief of Soldiers, Sailors, and Marines, and the Wives of Soldiers, in the Cases therein mentioned
relates to England. [24th June.]

See 58 G. 3. c. 92; 5 G. 4. c. 63. s. 16.

“Whereas soldiers and marines, and sailors, or discharged from being such, having occasion to return to their respective homes or places of legal settlement in which they are frequently at a considerable distance, are in the necessity of soliciting alms for their relief: And whereas such soliciting they have been, by and under an act made in the thirty-second year of His present Majesty, intituled *‘to explain and amend an act, made in the seventeenth year of His late Majesty King George the Second, ‘An act to amend and make more effectual the laws relating to rogues, vagabonds, and other idle and disorderly persons, and to houses of correction,’* deemed rogues and vagabonds the meaning of the said act, of the seventeenth year

King George the Second, and liable to be punished. For remedy thereof, may it please Your Majesty be enacted; and be it enacted by the King's Majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present assembly, and by the authority of the same, That every soldier or marine duly discharged out of any regiment, every sailor duly discharged out of any ship or vessel to His Majesty's navy, carrying his discharge by him at the latest from the date thereof, to the mayor or magistrate of the city, town, port, or corporate place, within fifteen miles from the place where he shall receive his discharge, shall receive from such mayor or magistrate a certificate under his hand, stating the place where such person so discharged is desirous of going, being his place of legal settlement, together with the time not exceeding ten days for every one hundred men so in proportion, except for a reasonable cause to be stated in such certificate; and such person having and obtaining such person as shall lawfully demand to see the discharge and such certificate as aforesaid, and without delay accordingly, both as to time and road, shall be allowed of asking relief be deemed to be a rogue or vagabond within the meaning of the said acts or either of them, and if he is so, he shall be punished accordingly, and if he is not, he shall be allowed of asking relief, that every such discharge shall bear witness, both as to the time when and the place where it was given, and shall express the sum or sums, if any, which such soldier or sailor at such time and place.

Every soldier, marine, or sailor, on carrying his discharge within three days to the nearest chief magistrate, shall receive a certificate of his place of settlement, on producing of which, being in his route, he shall not, for asking relief, be deemed a vagabond.

And whereas it frequently happens that where regimented upon foreign service, the wives of non-commissioned officers and soldiers being with their husbands, are ordered to embark, and having thereupon the like occasion to their homes or places of legal settlement, are in the like necessity of soliciting alms, and it is expedient also should be declared free and exempt from the penalties of the said acts;" Be it further enacted, That if any non-commissioned officer or soldier or private soldier, making due proof of her not being ordered to embark with her husband, before the mayor or magistrate of the city, town, port, or corporate place, or within fifteen miles from the place at which the place at which the said non-commissioned officer or soldier is ordered to embark, or of any other city, town, port, or corporate place, at which the said regiment shall happen to march under orders for embarkation, shall receive from the mayor or chief magistrate a certificate under his hand, and the corporate seal of such city, town, port, or place,

Wives of non-commissioned officers or soldiers, on making proof of not being permitted to embark with their husbands, shall receive from the nearest chief magistrate a like certificate of their place of settlement, which will entitle them to ask relief while in their route, &c.

stating the place to which she is desirous of going, b home, or place of legal settlement, together with the be fixed, not exceeding ten days for every one hundre and so in proportion, except for a reasonable cause t pressed in such certificate; and such person having : ducing to such person as shall lawfully demand th such certificate, and being in her route accordingly be time and road, shall not, by reason of asking relief, be to be a rogue or vagabond within the meaning of the : or either of them.

New certifi-
cate to be af-
fixed to the
former in
case of delay
from accident
or sickness.

III. And be it further enacted by the authority a That in case of accident or sickness duly proved, whi prevent the person having such certificate from proce his or her journey, according to the terms prescribed it shall and may be lawful to and for the chief magis any other city, town, port, or corporate place, wh person shall be, or shall arrive, to grant a new ce stating therein the true reasons for granting the sa containing the like provisions as are hereinbefore d and annex the same to the former certificate.

Certificate
from the ad-
miralty or
war office to
discharged
men, &c.
shall have the
same effect as
heretofore.

IV. And be it further enacted, That certificates e granted as heretofore from the office of admiralty or w to discharged sailors, soldiers, or marines, or to the of sailors, soldiers, or marines, serving abroad, or h ceased, to carry them to their respective homes, sh the same effect and force to all intents and purposes v as the certificates herein permitted to be given by the trate as aforesaid; and that the terms of the same extended in each instance which shall appear to requ a new certificate from another magistrate, in manner before mentioned.

[43 Geo. 3. c. 110.]

An Act to explain and amend an Act, made in the last s Parliament, intituled, An Act to amend an Act, mad Twenty-second Year of the Reign of his present Maje the better Relief and Employment of the Poor, so far a to the Payment of the Debts incurred for building an house.
[27th July, 1

22 G. 3. c. 83.

“Whereas by an act made in the twenty-second : the reign of his present Majesty, intituled, *An act for th*

and employment of the poor, it was among other things
 d, that in case any money should be borrowed under
 wers of the said act, for the building any poor-house,
 rkhouse, or purchasing any land necessary to be used
 at purpose, the assessments for the relief of the poor
 l continue at the same rate they were when such poor-
 or workhouse was first established, until the debts so
 acted, and the interest thereof, should be fully dis-
 ed: And whereas by an act, made in the forty-second
 of the reign of his present Majesty, intituled, *An act to* 42 G. 3. c. 74.
l an act, made in the twenty-second year of the reign of his
 Majesty, for the better relief and employment of the poor,
as relates to the payment of the debts incurred for building
oor-house, it was enacted, that the guardians of the poor
y parish who had erected any poor-house or workhouse,
r the powers of the said therein recited act, should, with
consent of the several persons to whom the same should be
and payable, yearly and every year, pay off and discharge
part of the money borrowed under the powers of the said
nd act of the twenty-second year of the reign of his pre-
Majesty, not being less than one-twentieth part thereof,
as the interest which might be payable on the sum re-
eing undischarged: and in case such sum to be paid off
ld not in any one year be sufficient to discharge any one
s notes for fifty pounds issued pursuant to the directions
o said recited act, for securing the money borrowed un-
he authority thereof, the same should from time to time
in in the hands of the overseers of the poor of such pa-
ntil it amounted to a sufficient sum to pay off and dis-
ge any of the said notes: And whereas doubts are enter-
d whether the said recited act of the forty-second year
is present Majesty's reign has effectually relieved such
bes as have adopted the provision in the said act of the
ty-second year of his present Majesty's reign from the
benesome effects thereof;" Be it therefore enacted by the
 Majesty's most excellent Majesty, by and with the advice and
ent of the lords spiritual and temporal, and commons,
is present parliament assembled, and by the authority of
ame, That so much of the said recited act, of the twenty-
nd year of his present Majesty's reign, as requires that
assessments for the relief of the poor shall continue at the
o rate as they were when any poor-house or workhouse
first established under the authority of the said recited
until the debt contracted, and the interest thereof, shall
be fully discharged, shall be, and the same is hereby
 ed.

So much of
 22 G. 3. c. 83
 as requires
 that the as-
 sessments
 shall conti-
 nue at the
 same rate as
 they were
 when any
 workhouse
 was estab-
 lished, until
 the debt
 should be
 discharged,
 shall be re-
 pealed.

L And be it enacted, That such assessments shall and may
 P 2 Assessments
 may be dimi-
 nished.

Guardians of
the poor shall
pay off a
twentieth
part of the
borrowed
money under
22 G. 3. c. 88.

from time to time be diminished to such amount as deemed proper and necessary : Provided always, guardians of the poor, for the time being, of every rish, shall yearly and every year, pay off or prov twentieth part at least of any monies which shall be borrowed for the purpose aforesaid, under the power said act of the twenty-second year of his present reign, and also shall duly keep down the interest of such which shall be so borrowed ; any thing in the said re of the twenty-second and forty-second years of his Majesty's reign, or either of them, contained to the notwithstanding.

[43 Geo. 3. c. 141.]

*An Act to render Justices of the Peace more safe in the
of their Duty.* [11th August

In actions
brought
against jus-
tices on ac-
count of con-
viction, &c.
the plaintiff,
beside any
penalty that
may be levied
upon him,
shall be enti-
tled only to
2d. damages,
unless alleged
in the decla-
ration the
thing was
maliciously
done.

“Whereas it is expedient that justices of the peace *Britain and Ireland* respectively, who, by virtue of di of parliament in force in the United Kingdom, are as and required to convict persons of sundry offences i mary way, should be rendered more safe in the exe such their duty ;” Be it therefore enacted by the Ki excellent Majesty, by and with the advice and conse lords spiritual and temporal, and commons, in thi parliament assembled, and by the authority of the sa in all actions whatsoever which shall, at any time passing of this act, be brought against any justice of of the peace in the United Kingdom of *Great Bri Ireland*, for or on account of any conviction by him had or made, under or by virtue of any act or acts c ment in force in the said United Kingdom ; or fr reason of any act, matter, or thing whatsoever, done manded to be done by such justice or justices, for th of any penalty, apprehending any party, or for or a carrying of any such conviction into effect ; in c conviction shall have been quashed, the plaintiff or in such action or actions, besides the value and amou penalty or penalties which may have been levied u said plaintiff or plaintiffs, in case any levy thereof h been made, shall not be entitled to recover any r greater damages than the sum of twopence, nor any suit whatsoever, unless it shall be expressly alleged declaration in the action wherein the recovery shall

ich shall be in an action upon the case only, that such are done maliciously and without any reasonable and le cause.

And be it further enacted, That such plaintiff shall not be entitled to recover against such justice any penalty which has been levied, nor any damages or costs whatsoever, unless such justice shall prove at the trial that such plaintiff is guilty of the offence whereof he had been convicted, or a sum of which he had been apprehended, or had otherwise suffered, and that he had undergone no greater punishment than was assigned by law to such offence.

Plaintiff not entitled to recover if proved that the offence was committed.

[45 Geo. 3. c. 54.]

Act to amend an Act, made in the Ninth year of King George the First, for amending the Laws relating to the Settlement, Employment, and Relief of the Poor, so far as the same respects Contracts to be entered into for the Maintenance and Employment of the Poor. [27th June, 1805.]

Whereas by an act of parliament, passed in the ninth year of the reign of his late Majesty King George the first, in the first, *An act for the amendment of the laws relating to the settlement, employment, and relief of the poor*, churchwardens and overseers of the poor, with the consent of the major part of the parishioners or inhabitants, are authorized, in the manner therein mentioned, to purchase or hire a house or houses, to contract with any person or persons for the lodging, feeding, maintaining, and employing of the poor, and for taking the benefit of their work, labour, and service, for their maintenance and relief; and where any parish, town, or township should be found too small, in such case to unite two or more such parishes, towns, or townships, for those purposes, with the consent of the major part of the parishioners or inhabitants, and with the approbation of a justice of the peace: and whereas great inconvenience has arisen from contracts for the lodging, maintenance, and employment of the poor of parishes, having been entered into pursuant to the said act, with persons not being resident within such parishes respectively, nor of sufficient responsibility to insure the faithful performance of such contract: Be it therefore enacted by King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in the present parliament assembled, and by the authority of the same, That from and after the passing of this act, no con-

No contract to be valid,

unless the person with whom the same is made shall be resident in the parish in which the poor shall be maintained;

nor unless one or more respectable housekeepers shall be security on behalf of the contractor, for the due performance of the contract.

Contracts entered into otherwise than according to the regulations herein contained shall be void.

Removal of contractor not to vacate the security.

tract to be entered into and made by the churchwardens or overseers of the poor of any parish, with any persons, for the lodging, keeping, maintaining, or educating the poor of such parish or parishes where two or more parishes are united, and for taking the benefit of their work, labour, or service, for their better maintenance and relief, by any person or persons, in pursuance of the said act of the ninth year of the said King George the First, or of any other law or statute in that behalf made, shall be valid, binding, or effectual, unless the persons with whom the same shall be entered into shall be so resident as aforesaid in one of such parishes, or in the parish in which such poor shall be lodged and maintained, and unless one or more responsible householders, or one or more of such particular parish or in one of the said parishes, approved of by the churchwardens or overseers of the poor of such parish or united parishes, as the case may be, shall be security on behalf of the contractor, before the time of the signing such contract, by the contractor, and several bond, with a penalty in not less than the sum of one half of the assessment to the poor's rate of such parish or united parishes for the year next but one preceding the year in which such contract shall be entered into, given to the said churchwardens and overseers, as the case may be, for the true and faithful observance and performance of the contract on the part and behalf of the person or persons by whom the same shall be contracted with as aforesaid; nor unless such contract shall be approved of and signed by two justices of the peace acting for such county, city, riding, or district, in which the parish or united parishes, or one of them, shall be

II. And be it further enacted, That all such contracts entered into otherwise than according to the regulations and restrictions hereinbefore contained shall be absolutely null and void to all intents and purposes, and every such contract which shall be entered into otherwise than according to the directions of this act, by any churchwardens or overseers of the poor of any parish, with any persons who shall remove from and cease to reside in the particular parish or in one of the united parishes wherein the same shall be lodged and maintained, before the expiration of the whole term or time for which such contract shall be made, shall be void, and shall also from the time of such expiration cease and determine: Provided always, that the removal of such person or persons as aforesaid shall not vacate the security of the contractor, nor shall it be lawful for any householder or householders as a

the true observance and performance of the contract of person or persons so having contracted and removing, that the same shall continue in full force for the indemnification of the churchwardens and overseers of such parish or parishes against any loss or expence incurred in consequence of such non-performance of such contract and of such act: Provided always, that nothing in this act contained shall extend or be construed to extend to any parish, town, or place where the poor are maintained under any special act of parliament: Provided also, that nothing in this act contained shall extend or be construed to extend to make void any act that shall have been entered into before the passing of this act with any person or persons for the lodging, keeping, maintaining, or employing of the poor of any parish, by or in pursuance of the said act of the ninth year of King George the First aforesaid; any thing herein contained to the contrary notwithstanding.

Not to extend where poor are maintained under a special act. Contracts entered into before passing this act not to be affected.

[48 Geo. 3. c. 96.]

Act for the better Care and Maintenance of Lunatics, being Paupers or Criminals in England.

[Repealed by 9 Geo. 4. c. 40. s. 1.]

[49 Geo. 3. c. 68.]

Act to explain and amend the Law of Bastardy, so far as relates to indemnifying Parishes in respect thereof.

[3d June, 1809.]

Whereas the provisions of an act made in the eighteenth year of the reign of Queen Elizabeth, concerning bastards begotten and born out of lawful matrimony, are found to be inadequate to the purposes of indemnifying parishes against the charges and expences incurred by the apprehending and securing of the reputed father, and also by the obtaining the order of adjudication: And whereas it is expedient that such charges and expences should be borne and discharged by the adjudged reputed father of such bastard child or children, at the discretion of the justices by whom such adjudication shall be made, either in the court of quarter sessions or otherwise, not exceeding the amount hereinafter mentioned; Be it therefore enacted by the King's most excellent Majesty, by and with the

Reputed fathers of bastard children shall be chargeable with the expences incident to the birth, with the costs of apprehending and of the order of filiation.

advice and consent of the lords spiritual and temporal, in this present parliament assembled, and the authority of the same, That every person who shall be adjudged to be the reputed father of any bastard children, shall be chargeable with and liable to the all reasonable charges and expences incident to such bastard child or children, and also to the payment of reasonable costs of apprehending and securing such father, and also to the payment of the costs of filiation, such costs of apprehending and securing such father, and of the order of filiation, not to exceed ten pounds; and all such charges, expences, and be duly and respectively ascertained on oath before of the peace or the court of quarter sessions making order of filiation, which oath such justices or court respectively empowered to administer.

Apprehending persons sworn to by women likely to be delivered of bastards.

II. And be it further enacted, That if any person shall declare herself to be with child, and that she is likely to be born a bastard and to be chargeable in any parish, township, or extra-parochial place, and an examination to be taken in writing upon oath before of the peace of any county, riding, division, city, or town corporate wherein such parish, township, or town corporate shall lie, charge any person with having gotten her with child, it shall be lawful to and for such justice, upon complaint made to him by the overseer of the poor of such township, or by any substantial householder of such parish, or of any extra-parochial place, to issue out his warrant for the apprehending of such person so charged as aforesaid, bringing him before such justice, or before any one of the peace of such county, riding, division, liberty, or town corporate; and the justice before whom such person shall be brought, having authority in this behalf, is hereby required to commit the person so charged as aforesaid to the common gaol or house of correction of such county, riding, division, liberty, or town corporate, unless he shall give sufficient security to indemnify such parish or place, or shall give a recognizance with sufficient surety or sureties upon oath to appear at the next general quarter sessions or general sessions of the peace to be holden for such county, riding, division, city, liberty, or town corporate, to abide by such order or orders as shall then be made in pursuance of the said act of the eighteenth year of the reign of *Elizabeth*, unless one such justice as aforesaid, shall certify in writing under his hand to such general quarter sessions or general sessions of the peace, that it had been proved before him upon the oath of one credible witness, that

man had not been then delivered, or had been delivered one month only previous to the day on which such quarter sessions or general sessions of the peace shall be a, or unless two justices of the peace of such county, riding, division, city, liberty, or town corporate, shall have certified in writing under their hands to the next, or where such man shall not have been delivered as aforesaid, then to the next or next subsequent general quarter sessions or general sessions of the peace, that an order of filiation had been already made on the person so charged, or that such order was then requisite to be made, on account of the death of the born a bastard, or for other like sufficient reason; in each of such cases firstly before mentioned, it shall be lawful for the justices assembled at such general quarter sessions or general sessions of the peace, to respite such recognizance to the next general quarter sessions or general sessions of the peace to be holden for such county, riding, division, city, or town corporate, without requiring the personal attendance of the native father so bound, or of that of his surety or sureties in either of the said two last mentioned cases it shall be lawful for the justices assembled as aforesaid wholly to dispense with such recognizance.

“ And whereas parishes are often put to great expence in forcing the performance of orders of maintenance made in relation to the filiation of bastard children;” Be it therefore further enacted, That if any reputed father or any mother of such bastard child or children on whom any order of filiation or maintenance of such child or children, shall have been made by the court of quarter sessions, or which shall have been confirmed by two justices of the peace and confirmed by the court of quarter sessions, or against which no appeal shall have been made to the court of quarter sessions, shall neglect or refuse to pay any sum or sums of money which he or she shall have been ordered to pay towards the maintenance or other satisfaction for the relief of any such bastard child or children by such order, it shall be lawful for any justice of the peace for such county, riding, division, city, liberty, or town corporate in which such reputed father or such mother shall happen to reside, if the said justice is hereby required upon complaint made to him by any one of the overseers of the poor of any parish, township, or place liable to the maintenance or support of such bastard child or children, or where such bastard child or children shall then be, and upon proof on oath of such order, the payment of such sum or sums of money being unpaid, and of a demand of such payment having been made, and a refusal to pay the same, or that such reputed father or such mother hath left his or her usual place of abode, and hath

For maintenance of bastard children.

avoided a demand thereof being made by such overseer sue his warrant to apprehend such reputed father or mother, and to bring him or her before such justice or a justice of the peace of the same county, riding, division, liberty, or town corporate, to answer such complaint: such reputed father or such mother shall not pay such sums of money as shall appear to the said justice before such reputed father or such mother shall be brought and unpaid, or shall not shew to such justice some real and sufficient cause for not so doing, it shall be lawful for such justice, and the said justice is hereby required to commit such reputed father or such mother to the public house of correction or common gaol of the said county, to be there confined to hard labour for the space of three months, unless such father or such mother shall, before the expiration of the said three months, pay or cause to be paid to one of the justices of the poor of the parish, township, or place on which such complaint as aforesaid was made, the said sum of money so due and unpaid as aforesaid, and so from time to time and as often as such reputed father or such mother in manner aforesaid neglect or refuse to pay any other sums of money that shall afterwards become due by order and under such order after the expiration of or discharge of any such former imprisonment as aforesaid.

Expences and costs subject to the discretion and allowance of magistrates or court of quarter sessions, as the case may be.

IV. Provided always, and be it further enacted, that such charges, expences, and costs shall be wholly at the discretion of the justices or court of quarter sessions who shall make such order of filiation; and the justices or court of quarter sessions are hereby authorized, if it shall see fit, to allow and order payment of the whole or part thereof: Provided always, that the costs of apprehending and securing the reputed father, and of the order of commitment, shall not in any case exceed the sum of 10*l*., and in settling the due payment of the same, after such allowance as aforesaid, all and every the powers, authorities, provisions, clauses, matters, and things contained in any act passed in the eighteenth year of the reign of Queen Anne, concerning bastards begotten and born out of matrimony, shall be respectively observed, used, and put in execution in the execution of this act, and shall be construed, and taken to apply as fully and effectually, to all and sundry purposes, as if the said powers, authorities, provisions, clauses, matters, and things were specially recited and enacted in this act.

Allowing an appeal to the court of quarter sessions.

V. Provided also, and be it further enacted, that no person or persons who shall think himself, herself,

s aggrieved by any order made by such justices as aforesaid, under the provisions of this act, and not originating in quarter sessions, may appeal to the next general quarter sessions of the peace to be holden for the county where such appeal shall be made, on giving notice to such justices or to any one of them, and also to the churchwardens and overseers of the parish on whose behalf such order shall have been made, or to one of them, ten clear days before such next quarter sessions of the peace at which such appeal shall be made, of his, her, or their intention of bringing such appeal, and of the cause and matter thereof, and entering into recognizance within three days after such notice, before some justice of the peace for such county, with sufficient security conditioned to try such appeal, and abide the judgment and order of, and pay such costs as shall be awarded by such justices at such quarter sessions, which said justices at said sessions, upon proof of such notice being given, and of entering into such recognizance as aforesaid, shall and lawfully are hereby required to proceed in, hear, and determine the causes and matters of all such appeals, and shall give such relief and costs to the parties appealing or appealed as they in their discretion shall judge proper; and such judgments and orders therein made shall be final, binding, and conclusive to all parties concerned, and to all intents and purposes whatsoever.

And be it further enacted, That so much of an act so much of recited act as is in the sixth year of the reign of His late Majesty George the Second, intituled, *An act for the relief of justices, in cases where women have not been delivered, to commit reputed fathers to gaol repealed.* *in and other places, for such charges as may arise from children born within the same,* as authorizes the justice before whom the reputed father of a bastard child shall be brought, in cases where the woman has not been delivered, to commit such reputed father to the common gaol of correction, unless he shall give security to indemnify the parish or place, or shall enter into a recognizance with sufficient surety upon condition to appear at the next general quarter sessions or general sessions of the peace, shall be and the same is hereby repealed.

II. And be it further enacted, That from and after the passing of this act, no appeal in any case relating to bastardy shall be brought, received, or heard at the said quarter sessions, unless such notice shall have been given, and such recognizance shall have been entered into in manner aforesaid, according to the provisions of this act.

III. And be it further enacted, That this act shall Commence-ment of act.

commence and take effect on the twentieth day in the year one thousand eight hundred and nine, before.

[49 Geo. 3. c. 124.]

An Act for altering, amending, and explaining certain relative to the removal of the Poor, and for making tions in certain Cases touching the Examination of P to their Settlement; and for extending to all Parish Rules and Orders in Workhouses, under an Act of the second Year of His present Majesty, intituled, An A better Relief and Employment of the Poor.

[20th June

35 G. 3. c. 101. “Whereas, by an act passed in the thirty-fifth the reign of His present Majesty, intituled, *An Act the removal of poor persons until they shall become chargeable*, it is amongst other things enacted, that any poor person shall be brought before any justice tices of the peace for the purpose of being removed place where he or she is inhabiting or sojourning, b of any order of removal, or of being passed by virtu vagrant pass, and it shall appear to the said justice or that such poor person is unable to travel by reason ness or other infirmity, or that it would be dange him or her so to do, the justice or justices making su of removal or granting such vagrant pass, are requi authorised to suspend the execution of the same u are satisfied that it may safely be executed without d any person who is the subject thereof, and that the proved upon oath to have been incurred by such su of any order of removal may by the said justices be to be paid by the churchwardens and overseers of th or place to which such poor person is ordered to be n in case any removal shall take place, or in case of tl of such poor person before the execution of such ord by the same act it is further enacted, that in case of peal against any order for the payment of such chs the court of quarter sessions shall be of opinion that so awarded be more than of right ought to have been to be paid, such court may and is thereby directed t out the sum contained in the said order, and insert which in the judgment of such court ought to be pa in every such case the court of quarter sessions shal that the said order so amended shall be carried into a

the said justices by whom the order was originally made, or her of them, or in case of the death of either of them, each other justice or justices as the court shall direct: whereas it is expedient that the power of putting an end to the suspensions of any such order of removal or pass, or of executing the several or other authorities aforesaid, should not be confined to the order of the justice or justices making such order or pass: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in the present parliament assembled, and by the authority of the same, That from and after the passing of this act, in all places wherever the execution of any order of removal or of a vagrant pass shall be hereafter suspended by virtue of any such recited act, it shall be lawful for any other justice or justices of the peace of the county or other jurisdiction in which such removal or pass shall be made, to direct the order that the same shall be executed, and to direct the fees to be incurred as aforesaid to be paid, and to carry into execution any such amended orders as aforesaid, as fully and effectually to all intents and purposes as the said relative powers and authorities can or may be executed by the said justices who shall make any such order or removal, or by the justice who shall grant any such pass as aforesaid.

In all cases when any order of removal or vagrant pass shall be suspended, any other justice of the county or place where such removal or pass shall be made, may order the same to be executed, &c.

II. And be it further enacted, That when the execution of any such order of removal shall be suspended, the time of appealing against such order shall be computed according to the rules which govern other like cases from the time of making such order, and not from the time of making such removal under and by virtue of the same.

How the time of appealing shall be computed.

III. And, in order to avoid any pretence for forcibly separating husband and wife, or other persons nearly connected with or related to each other, and who are living together as one family at the time of any order of removal or of a vagrant pass granted, during the dangerous sickness or other infirmity of any one or more of such family, on account the execution of such order of removal or of a vagrant pass is suspended; be it further enacted and declared, That where any order of removal or vagrant pass shall be suspended by virtue of this or of the said recited act, on account of the dangerous sickness or other infirmity of any person or persons thereby directed to be removed or removed, the execution of such order of removal or vagrant pass shall also be suspended for the same period with respect

Order of removal suspended in case of sickness, may also extend to other persons named in the order to prevent the separation of a family.

to every other person named therein, who was actual same household or family of such sick or infirm persons at the time of such order of removal made or pass granted.

Any magistrate may take the examination of an infirm pauper as to his settlement, and report to petty sessions.

IV. And be it further enacted, That whenever happen that any pauper is by age, illness, or infirm able to be brought up to the petty sessions to be examined as to his or her settlement, it shall be lawful for magistrate acting for the district where such pauper be, to take the examination of the said pauper, and report the same to any other magistrate or magistrates for the said district, and for the said magistrates up report to adjudge the settlement of the said pauper make and suspend the order of removal, as fully as usually to all intents and purposes as if the said pauper appeared before two magistrates.

22 G. 3. c. 58.

Two justices in petty sessions may direct the regulations prescribed by recited act to be observed. See 50 G. 3. c. 50. s. 1.

V. And whereas, by an act passed in the twenty year of the reign of His present Majesty, intituled, *for the better relief and employment of the poor*; certain orders, bye-laws, and regulations are appointed to served and enforced in every poor-house established the authority of the said act: And whereas it is enacted that such rules, orders, bye-laws, and regulations shall extended to poorhouses and workhouses established in parishes; it is hereby enacted, That any two or more Majesty's justices of the peace, may, at any petty sessions direct such rules, orders, bye-laws, and regulations, of them, to be observed and executed in any parishes their respective divisions or districts, as fully as in the incorporated by the said act.

[50 Geo. 3. c. 49.]

An Act to amend the Laws for the Relief of the Poor, and to relate to the examining and allowing the Accounts of the wardens and Overseers by Justices of the Peace.

[9th June, 1794.]

43 Eliz. c. 2.

"Whereas by an act made in the forty-third year of Her late Majesty Queen *Elizabeth*, intituled, *for the relief of the poor*, it is enacted, that churchwardens and overseers of the poor of every parish shall within four calendar months after their year, and after other overseers nominated, and yield up to two justices of the peace a true and perfect

of all sums of money by them received, or rated and
 l and not received, and of all other things concerning
 said office: And whereas by an act made in the seven- 17 G. 2. c. 38.
 h year of His late Majesty King *George* the Second, for
 dying some defects in the said recited act made in the
 -third year of the reign of Queen *Elizabeth*, it is enacted,
 the churchwardens and overseers of the poor shall yearly
 every year, within fourteen days after other overseers
 be nominated and appointed to succeed them, deliver in
 ch succeeding overseers a just, true, and perfect account
 riting under the hands of the churchwardens and overseers
 ted to account, of all sums of money by them received or
 l, and assessed and not received, and of all other things
 rning their said office; which said account shall be veri-
 by oath, or by the affirmation of persons called *Quakers*,
 re one or more of His Majesty's justices of the peace,
 ch said oath or affirmation such justice or justices is and
 by the said act authorized and required to administer, and
 lgn and attest the caption of the same at the foot of the
 account: And whereas it is expedient that two or more
 ces should be empowered to examine and correct, and to
 p and approve every such account before the same shall be
 ed and attested;" Be it therefore enacted by the King's
 t excellent Majesty, by and with the advice and consent of
 lards spiritual and temporal, and commons, in this present
 ment assembled, and by the authority of the same, That
 all cases where any such account is required to be made and
 led, and to be signed and attested as aforesaid by virtue of
 said last recited act, every such account shall be submitted
 the churchwardens and overseers to two or more justices of
 e peace of the county, dwelling in or near the parish or place
 which such account shall relate, at a special sessions for that
 pose to be holden within the fourteen days appointed by
 e said last recited act for delivering in such account; and
 ch justices shall and they are hereby authorized and em-
 wered, if they shall so think fit, to examine into the mat-
 e of every such account, and to administer an oath or affirma-
 ion to such churchwardens and overseers of the truth of such
 ount, and to disallow and strike out of every such account
 l such charges and payments as they shall deem to be un-
 ounded, and to reduce such as they shall deem to be exorbi-
 ant, specifying upon or at the foot of such account every such
 pay or payment and its amount, so far as such justices shall
 allow or reduce the same, and the cause for which the same
 is disallowed or reduced; and it shall be lawful for such two
 more justices, and they are hereby required to signify their
 allowance and approbation of any such account under their
 eds, and to sign and attest the caption of the same at the

Accounts of
 churchwar-
 dens and
 overseers of
 the poor, to
 be submitted
 by them to
 two or more
 justices at a
 special ses-
 sions held
 under last re-
 cited act.

of such account in manner aforesaid shall appearing in the hands of such churchwardens or overseers, and may be lawful for any two or more justices of the peace to commit him, her, or them, to the common gaol, or they shall have made and yielded such account the same as aforesaid, or shall have delivered over the chattels, and other things which shall appear to be owing in his, her, or their hands as aforesaid; and any churchwardens and overseers, or any of them, who neglect to pay to their successors within four days after the signing and attesting such account, any sum of money, or arrearages, which on the examination of such account in manner aforesaid shall be found to be due and owing from such churchwardens or overseers, or any of them, or remaining in their hands, and may be lawful for the subsequent churchwardens or overseers, by warrant from any two or more justices of the peace, to levy all such sum and sums of money by the sale of the offender's goods, rendering to the party the balance plus, and in default of such distress, it shall be lawful for such two justices of the peace, to commit the offenders to the common gaol of the county, there without bail or mainprize, until payment of such sum of money or arrearages as aforesaid.

Churchwardens, &c. may appeal to quarter sessions.

II. Provided always, and be it enacted, That if any churchwardens or overseers, or any of them, shall feel aggrieved by the disallowance of any such charges or payments, and be desirous to appeal against any order in that respect, made by any

a recognizance before one or more such justice or justices with two sufficient securities to be approved of by such justice or justices before whom such recognizance shall be given, in not less than double the sum or value in dispute, to enter such appeal at such next general or quarter sessions, and abide by such order as shall at that or any subsequent sessions be made on such appeal; and it shall and may be lawful for the justices of the peace assembled at such general or quarter sessions, on proof of the matters aforesaid, and on the production of such recognizance and proof of the same having been duly entered into, to adjourn such appeal if they think occasion, or to hear the same, and to examine into the same to confirm or reverse such disallowance or reduction in whole or in part, as to such justices at such sessions shall seem just; and in any such case, the said justices at such sessions may (if they shall think fit) make an order that such appellant and overseers shall have the costs by them incurred upon any such appeal defrayed out of the poor rates of the parish or place; and the order of the general quarter sessions in execution of the powers given to them by this act shall be binding on all parties.

IX. Provided also, and be it enacted, That nothing herein contained shall take away or be construed to take away any right of appeal against any such account, by any other person entitled to appeal against the same by virtue of the said act or acts or either of them.

Appeal may also lie by any other person.

X. And be it further enacted, That every mayor, bailiff, or head officer of every town and place corporate and city in Great Britain, or any two magistrates of such town or place corporate or city, being justice or justices of peace respectively shall have the same authority by virtue of this act within the limits and precincts of their jurisdictions as is by this act prescribed, or appointed to justices of the peace of the county, or any two or more of them, for the execution of this subject nevertheless to an appeal to the general or quarter sessions in every such town or place corporate, or city respectively as aforesaid: Provided always, that in any town or place corporate, or city, where there are not four justices of peace, it shall and may be lawful for any person or persons where an appeal is given by this act, to appeal, if he or she shall think fit, to the next general or quarter sessions of peace for the county, riding, or division wherein such town or place corporate or city is situate.

Magistrates of corporations shall have the same jurisdiction as two or more justices.

XI. And be it further enacted, That no *certiorari* shall be granted to remove any order or proceeding of any general or

Proceedings of quarter sessions final.

quarter sessions or of any justices, made or had under into any superior court of record; but that all or proceedings of such sessions, and all orders and proceedings of such justices (subject to such appeal as aforesaid) this act, shall be final and conclusive to all intents and purposes.

Not to extend to churchwardens, &c. exempted from accounting under the recited acts.

VI. Provided also, and be it enacted, That nothing act contained shall extend or apply, or be construed to apply to the accounts of any churchwarden or of the poor in any parish or place where by the provision act or acts relating to the poor of such parish or place the construction of any such act or acts, such church and overseers are exempted from the rendering the required by the hereinbefore recited acts of the forty year of the reign of Her late Majesty Queen Elizabeth the seventeenth year of the reign of His late Majesty George the Second, or either of them; any thing here contained to the contrary notwithstanding: Provided that nothing in this act contained shall extend or be construed to extend to the city of London.

Nor to the city of London.

Recited acts, unless where it is hereby expressly mentioned, not to be affected.

VII. Provided also, and be it enacted, That nothing act contained shall alter or repeal any of the provisions or regulations contained in the said recited acts of the forty year of the reign of Her late Majesty Queen Elizabeth the seventeenth year of the reign of His late Majesty George the Second, or either of them, other than any only such provisions or regulations as are expressly mentioned in this act, and so far as the same are expressly mentioned and altered by this act.

[50 Geo. 3. c. 50.]

An Act to explain and amend an Act made in the last Session of Parliament, relating to the Relief and Employment of the Poor, so far as relates to the more effectual carrying the same into Execution; and to extend the Provisions thereof to such parishes, which shall not have adopted the Provisions of an Act passed in the Twenty-second Year of His present Majesty, for the better Relief and Employment of the Poor. [9th June, 1760]

22 G. 3. c. 88. "Whereas an act was passed in the twenty-second year of the reign of His present Majesty, intituled, *An act for the better relief and employment of the poor*, whereby certain orders, and regulations specified and contained in the said

the said act annexed, are directed to be observed and ended at every poor-house to be provided by virtue of that with such additions as should be made by the justices of peace of the limit wherein such house or houses should situate, at some special session; provided such additions should not be contradictory to the rules, orders, and regulations established by that act; and provided that the same should not be repealed by the justices at their general quarter sessions of the peace: And whereas another act was passed the forty-ninth year of the reign of His present Majesty, intituled, *An act for altering, amending, and explaining certain laws relative to the removal of the poor, and for making regulations in certain cases touching the examination of paupers as to their settlements; and for extending to all parishes certain rules and orders in workhouses, under an act of the Twenty-second year of His present Majesty, intituled, 'An act for the better relief and employment of the poor;'* whereby any two or more of His Majesty's justices of the peace are authorized, at any petty sessions, to direct such rules, orders, and regulations, or any part thereof, to be observed and executed in any parishes within their respective divisions or districts: And whereas it is enacted that the benefit of such regulations as are provided and authorized to be made by the said recited act of the Twenty-second year of His present Majesty, for the government of poor-houses and workhouses, should be extended to those parishes which shall not have adopted the provisions of the said act: May it therefore please Your Majesty, that it be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, That two or more of His Majesty's justices of the peace, within their respective limits, may at any special session direct the rules, orders, and regulations, in the schedule to the said act of the twenty-second year of His Majesty's reign specified and contained, or any of them, with such additions as shall be made by such justices, to be observed and enforced in the parishes or poor-houses, or any houses set apart for that purpose, although there should be no master or mistress to superintend the same, of any parish or place within their respective divisions or districts, as fully and effectually as the rules and orders by the said act of the twenty-second year of His Majesty's reign established, are to be observed and ended within the parishes adopting the provisions of the said act; and that it shall be lawful for two or more such justices, in any special session from time to time as they shall see occasion, to add to and alter the rules, orders, and regulations, which shall at any previous special sessions have been

Two justices may direct the regulations specified in schedule of 22 G. 3. c. 83. to be observed in workhouses where no master or mistress is appointed to superintend; and may alter such regulations.



made and ordered to be observed, provided that no amendment or alteration to be made by such justices shall be contradictory to the rules, orders, and regulations established by the said act of the twenty-second year of His Majesty's reign, and provided that the same should not be repealed or altered by any other act of parliament, until the next meeting of the justices at their quarter session of the peace; and for enforcing and carrying into execution such rules, orders, and regulations in every parish and place where the same are established by virtue of this act, every justice of the peace shall for that purpose have the powers by the said act of the twenty-second year of His Majesty's reign vested in the justices of the peace of the poor; and all churchwardens and overseers, in their respective parishes and townships, shall have and exercise the powers, and shall perform the duties by the said act vested in and imposed upon governors of the poor.

Contractors for providing for the poor shall be subject to the jurisdiction of the justices as overseers of the poor.

II. And be it further enacted, That persons contracting for the maintenance of the poor of any parish or place with respect to all such things as they shall contract for, shall be subject to the jurisdiction of the justices of the peace in like manner in all respects as overseers of the poor are subject thereto; and every order of any such justice to or upon any person contracting, may be enforced and carried into execution by such means as the same might have been enforced and carried into execution against any overseer of the poor; and every person so contracting for the maintenance of the poor who shall refuse or neglect to obey any such order, shall be punishable by the like forfeitures and penalties, to be levied in the same manner as in cases of disobedience or neglect of the orders of justices by overseers of the poor.

Justices may appoint the keeper of the workhouse to be governor.

III. Provided always, and be it further enacted, That it shall be lawful for the justices in any such special session aforesaid, upon the application of the overseers of the poor of any parish or place, or of the major part of them, to appoint the keeper of the workhouse of any such parish or place to be the governor thereof, and the keeper so appointed shall continue keeper of such workhouse, until the next meeting of the justices in any such special session shall revoke such appointment (which they are hereby empowered to do), shall use, and exercise the powers, and perform the duties by the said act of the twenty-second year of His Majesty's reign vested in and imposed upon governors of the poor.

Penalty on embezzling goods.

IV. And be it further enacted, That if any person shall be sent to any poor-house or workhouse shall embezzle or wilfully waste, spoil, or damage any of the clothing, or

materials committed to his or her care, or shall take or away, without permission of the overseer of the poor keeper of the said workhouse, any clothing, goods, or articles provided for the use of such poor-house, or of any person therein, complaint thereof may be made upon oath to one or more justices of the peace acting for the district or division in which such parish shall be situate; and such justices are hereby authorized to hear such complaint, and upon conviction to commit the offender to the house of correction, there to be kept to hard labour for any time not exceeding two calendar months, nor less than seven days.

And be it further enacted, That any breach of the rules and orders to be put in force by virtue of this act, shall be punished in such manner as is by the said act directed for a breach of the rules and orders to be enforced under the aforesaid act of the twenty-second year of His present Majesty, chapter eighty-three.

Breach of rules under this act to be punished.

[50 Geo. 3. c. 51.]

Act to repeal so much of an Act, passed in the Seventh Year of King James the First, as relates to the Punishment of Women delivered of Bastard Children; and to make other Provisions in lieu thereof.

[9th June, 1810.]

Whereas an act was passed in the seventh year of the reign of His late Majesty King James the First, intituled *An Act for the due execution of divers laws and statutes heretofore made against rogues, vagabonds, and sturdy beggars, and other idle persons*; And whereas, it is among other things enacted and enacted, that every lewd woman who after the present session of parliament should have any bastard child might be chargeable to the parish, should be committed to the house of correction, there to be punished and set to work during the term of one whole year; and that if a woman should offend again in like manner, she should be committed to the house of correction, there to remain until she should put in good securities not to offend so again: And whereas the punishment aforesaid, if rigorously inflicted, might be too severe, and might subject the offender to imprisonment for life: "May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present

7 Jac. 1. c. 4.

[51 Geo. 3. c. 79.]

An Act to amend an Act of the Forty-eighth Year of His Majesty, for the better Care and Maintenance of Lying Paupers or Criminals, in England.

[Repealed by 9 Geo. 4. c. 40. s. 1.]

[51 Geo. 3. c. 80.]

*An Act to render valid certain Indentures for the Binding
rish Apprentices.* [15th June,

43 Eliz. c. 2.

“Whereas by an act passed in the forty-third year reign of Her late Majesty Queen Elizabeth, intituled, *for the relief of the poor*, it is enacted, that the church of every parish, and four, three, or two substantial houses there, as shall be thought meet, having respect to the portion and greatness of the same parish and parishes nominated yearly in *Easter* week, or within one month *Easter*, in the manner therein directed, shall be oversee the poor of the same parish; and that it shall be lawful said churchwardens and overseers, or the greater part by the assent of two justices of the peace, to bind the of such parents as shall not by the said churchwardens or overseers, or the greater part of them, be thought maintain their children, to be apprentices: And where divers small parishes two persons only have been annually appointed to act in the capacity of churchwardens as overseers of the poor: And whereas divers indentures binding of parish apprentices, and certificates of the settling of poor persons, have been executed and signed by such persons, purporting to be the churchwardens and overseers of such parishes; but by reason that the said indentures and certificates have not been signed by distinct persons as churchwardens and other distinct persons as overseers, such indentures and certificates have been or may be deemed to be void: Be it therefore enacted by the King's most excellent Majesty by and with the advice and consent of the lords spiritual, temporal, and commons, in this present parliament assembled, and by the authority of the same, That all indentures binding of parish apprentices, and all certificates of the settling of poor persons, which have been heretofore

Indentures
and certificates
which
have heretofore

signed by two persons only, acting or purporting to act in the capacity of churchwardens as well as of overseers of the parish, and also all such indentures and certificates as shall hereafter be so signed, shall be considered as good, valid, and effectual, as if the same had been executed and signed by distinct persons as churchwardens and distinct persons as overseers of the poor, according to the said recited act; any thing herein or in any other act contained to the contrary thereof notwithstanding.

fore been signed by two persons only acting as churchwardens and overseers, to be valid. See 54 G. 3. c. 107; 1 & 2 G. 4. c. 82; 56 G. 3. c. 139.

Provided always, That nothing in this act contained shall extend to do away or alter any decision which may have taken place in any court of law, respecting the binding of any child apprentice, or the settlement of any poor person before the passing of this act.

Act not to affect any prior decision in any court.

[51 Geo. 3. c. 106.]

Act for enabling the Wives and Families of Soldiers embarked for Foreign Service, to return to their Homes.

[26th June, 1811.]

[Repealed by 58 Geo. 3. c. 92. s. 1.]

[52 Geo. 3. c. 27.]

Act for enabling the Wives and Families of Soldiers embarked in Ireland for foreign service, to return to their homes.

[Repealed by 58 Geo. 3. c. 92. s. 1.]

[52 Geo. 3. c. 72. s. 8.]

Act for the better Cultivation of Navy Timber in the Forest of Alice Holt, in the County of Southampton.

[20th June 1812.]

VIII. Provided always, and be it further enacted, That from and after the passing of this act, no person or persons shall, by residence in any house, lodge, or other building erected or to be erected within the said forest, or by hiring

Residence in forest not to gain settlement in Binsted.

and service either for the preservation of the said plantations, or the game in the said forest, gain the settlement in the parish of *Binsted* in the said co. which the said forest is situated.

[52 Geo. 3. c. 73.]

An Act for repealing so much of an Act of the Thirtieth Year of His present Majesty, for the better Relief of the Poor within England, and enlarging the Powers of the Guardians of the Poor, as limits the annual Amount of the Assessments
[27th Jun]

36 G. 3. c. 10. "Whereas an act was passed in the thirty-sixth year of the reign of His present Majesty, intituled, *An act for the better relief of the poor within the several hundreds, towns, and districts in that part of Great Britain called England, rated by divers acts of parliament for the purpose of the maintenance and employment of the poor; and for enlarging the powers of the guardians of the poor within the said several hundreds, towns, and districts, as to the assessments to be made in the several parishes, hamlets, and places within their respective hundreds, towns, and districts, for the support and maintenance of the poor*; whereby the directors and guardians of the poor within any hundred, town, or district in *England* incorporated by an act of parliament, were empowered to assess the parishes, hamlets, and places within their respective hundreds, towns, or districts, (being usually liable,) the respective sums of money as to such directors or guardians should appear necessary for the support and maintenance of the poor for the current quarter and other purposes provided that such sums should never exceed in any year after the first day of *January*, one thousand seven hundred and ninety-eight, the amount of double the sum last raised by virtue of any such incorporating act: And by reason of the very great increase of the price of the other necessary articles of life, the amount of the assessments so limited by the said act is become insufficient for the necessary relief and maintenance of the poor for other purposes of the said act:" May it therefore be the pleasure of Your Majesty that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, as follows: That so much of the said re-

So much of
36 G. 3. c. 10.

nits or provides that from and after the first day of as limits the
 ry, one thousand seven hundred and ninety-eight, the amount of
 to be assessed by virtue thereof on any parish, hamlet, assessments
 ice, shall never exceed in any one year double the sum repealed.
 raised by virtue of any incorporating act then existing,
 be and is hereby repealed.

[52 Geo. 3. c. 120.]

*Act to explain, amend, and extend the Provisions of an Act,
 passed in the last Session of Parliament, for enabling the
 Res and Families of Soldiers to return to their Homes, to the
 dows, Wives, and Families of Soldiers dying or employed on
 eign Service.*

[Repealed by 58 Geo. 3. c. 92. s. 1.]

[52 Geo. 3. c. 160.]

*Act to enable Justices of the Peace to order Parochial Re-
 lief to Prisoners confined under Mesme Process for Debt in such
 Gaols as are not County Gaols.* [29th July 1812.]

Whereas great distress is suffered by poor persons con-
 under mesme process for debt in such gaols as are not
 y gaols, in consequence of their not receiving any allow-
 whereon to subsist during the time of such confinement:"
 it therefore please Your Majesty, that it may be en-
 ; and be it enacted by the King's most excellent Ma-
 by and with the advice and consent of the lords
 al and temporal, and commons, in this present par-
 nt assembled, and by the authority of the same, That
 ll be lawful for any one justice of the peace acting for
 ounty, riding, or division wherein any gaol which is
 county gaol is situated, to order the overseers of the
 of the parish, township, or place wherein any such
 (which is not a county gaol) shall be situated, to relieve
 poor person who shall be confined in such gaol under
 a process for debt, and who shall appear to such justice
 unable to support himself or herself, and who shall have
 d for relief to such overseers as aforesaid.

Justice to or-
 der parochial
 relief to debt-
 ors in such
 gaols as are
 not county
 gaols.

Provided always, and be it further enacted, That the Limiting the
 o be given for the relief of any such poor person shall sum.

not exceed sixpence *per diem* during the time of his or her confinement in such gaol under mesne process for debt.

Legal settlement of debtor to be ascertained.

III. And be it further enacted, That the overseers of the poor of any such parish, township, or place to whom such application for relief shall be made as aforesaid, if they shall doubt whether such poor person is legally settled in such parish, township, or place, shall cause him or her to be examined upon oath before one or more justice or justices of the peace, touching his or her last legal settlement, and which examination it shall be lawful for justices to make, and to order for the removal of such poor person to the place of his last legal settlement, and to suspend the execution of such order of removal during the time of such person being confined in such gaol under such mesne process, which suspension of the same shall be indorsed on the said order, signed by such justices, and the subsequent permission to execute the same shall be also indorsed on the said order, and signed by such justices, or by any other two justices of the peace acting for the same county, riding, or division.

Order of removal to be suspended while debtor is imprisoned.

and to be served on the overseers of the poor of his parish,

IV. Provided always, and be it enacted, That a copy of the order of removal, and of the order for suspending the execution of the same as aforesaid, shall, as soon as made after the making thereof respectively, be served upon the overseers of the poor of the parish, township, or place in which such poor person shall by such order of removal be adjudged to be legally settled.

who shall repay the expence attending the pauper.

V. And be it further enacted, That although such poor person shall not have been actually removed in pursuance of such order of removal as aforesaid, it shall be lawful for any justice of the peace to direct the overseers of the poor of the parish, township, or place in which such pauper is adjudged to be settled, to repay to the overseers of the poor of the parish, township, or place wherein such gaol is situated, all the charges proved upon oath of any one of the overseers of the parish, township, or place where the pauper is situated, to have been incurred in granting relief to such pauper during the time of his confinement and the suspension of such order, not exceeding sixpence *per diem*; and if the overseers of the parish, township, or place to which such order of removal shall be made, or any or either of them shall refuse or neglect to pay any such sum so advanced as aforesaid within twenty-one days after demand thereof, they shall not within the same time give notice of appeal as hereinafter mentioned, it shall be lawful for one justice of the peace, by warrant under his hand and seal, to cause the

In case of refusal, the money advanced to be levied by distress.

so directed to be paid as aforesaid to be levied by
 and sale of the goods and chattels of the person or
 so refusing or neglecting to pay the same, and also
 costs attending the same, not exceeding forty shillings,
 the justice shall direct; and if the parish, township, or
 to which the removal was ordered to be made, be
 at the jurisdiction of the justice of peace issuing the
 it, then such warrant shall be transmitted to any
 of the peace having jurisdiction within such parish,
 township, or place as aforesaid, who, upon receipt thereof is
 authorized and required to indorse the same for exe-
 cution: Provided nevertheless, that if the sum so ordered to
 be paid on account of such costs and charges exceed the sum
 of five pounds, the party or parties aggrieved by such order
 may appeal to the next general quarter sessions for the
 county, riding, or division in which such gaol is situated,
 at the same, as they may do against an order for the
 removal of poor persons by any law now in being; and if the
 justices of quarter sessions shall be of opinion that the sum so
 ordered to be paid be more than of right ought to have been directed to
 be paid, such court may and is hereby directed to strike out
 the sum contained in the said order, and insert the sum which
 is the judgment of the said court ought to be paid, and in
 such case the said court of quarter sessions shall direct
 that the said order so amended shall be carried into exe-
 cution by the said justices by whom the order was originally
 made, or either of them, by such other justice or justices as
 the said court shall direct.

l. Provided always, and be it further enacted, That it shall
 be lawful for the overseers of the poor of the parish, township,
 place wherein such poor person shall, by such order of re-
 moval, be adjudged to be legally settled, to appeal against such
 order to the next general quarter sessions of the peace for the
 county, riding, or division in which such gaol is situated, hold-
 ing for the service of the copy of such order of removal, in
 which copy shall have been served upon such overseers
 twenty-one days before the holding of such quarter sessions,
 in case the same shall not be served twenty-one days be-
 fore the holding of such next general quarter sessions, then the
 appeal may be to the next succeeding general quarter sessions
 for the said county, riding, or division, and upon such
 appeal the like proceedings may be had as are observed in other
 cases of appeals against orders of removal of poor persons by
 any law now in being: Provided always, that in case such or-
 der of removal and suspension is not appealed against in man-
 ner aforesaid, or if upon appeal such order shall be confirmed,
 the poor person shall be deemed and taken to be legally set-
 tled.

Appeal al-
 lowed to
 quarter ses-
 sion.

tled in the parish, township, or place in which he shall be
order of removal be adjudged to be legally settled.

In case the
pauper has
no legal set-
tlement in
England or
Wales, the
allowance
shall be paid
out of the
county rate.

VII. And be it further enacted, That in case any poor person applying for relief under the provisions of this act upon his examination as to his last legal settlement, be not to be legally settled in any parish, township, or place in *England* and *Wales*, it shall be lawful for any one just the peace to order the overseers of the poor of the parish, ship, or place wherein the gaol is situated (in which such person shall be confined under mesne process for debt) to relieve such poor person with a sum not exceeding sixpence *diem* out of the funds in their hands applicable to the relief of the poor, which sum shall be reimbursed to the overseers of the poor of the said parish, township, or place, for the recovery of such funds out of the county rate, by the treasurer of the county, riding, or division in which such parish, township, or place shall be situated, at the expiration of the confinement of such poor person upon such mesne process as aforesaid.

[53 Geo. 3. c. 21.]

An Act for authorizing the Commissioners of Customs and Excise to make an allowance for the necessary subsistence of poor persons confined for Debts or Penalties sued for under their Acts
[23d March 1790]

“Whereas, in consequence of their not receiving an allowance whereon to subsist during their confinement, it is sometimes suffered by poor persons confined under execution process, for the recovery of duties and penalties under virtue of the acts of parliament relating to the duties of customs and excise under warrants of commitment in execution commonly called *body warrants*, issued by the commissioners of excise in *England*, or by justices of the peace within *Britain*, under or by virtue of acts of parliament relating to the departments of customs and excise respectively, or by writs of extent for debts due to His Majesty, sued for or by virtue of the order of the commissioners of customs and excise in *England* and *Scotland* respectively, or upon bonds taken pursuant to orders in council; and it is therefore enacted, that the authority hereinafter mentioned should be given to the commissioners of customs and excise in *England* and *Scotland* respectively;” Be it therefore enacted by the King’s most excellent Majesty, by and with the advice and con-

ords spiritual and temporal, and commons, in this parliament assembled, and by the authority of the same, for the necessary subsistence of any poor person confined or by virtue of any exchequer process, for the redress of any duties or penalties under or by virtue of any acts of parliament now in force, or hereafter to be made, going to the departments of customs and excise, or either of them, or confined under or by virtue of any warrant or writ of commitment in execution, commonly called a *body writ*, issued by the commissioners of excise in *England*, or by the justices of the peace within *Great Britain*, under or by virtue of any act or acts of parliament now in force, or hereafter to be made, relating to the department of customs and excise, or either of them, or confined under or by virtue of any writ or writs of extent for debts due to His Majesty sued out or by virtue of the order of the commissioners of customs and excise in *England* and *Scotland* respectively, or on recognizances taken pursuant to orders in council, it shall be lawful to and for the commissioners of customs and excise, as the case may require, or any four or more of them in *England*, or any three or more of them in *Scotland*, to cause an allowance, not exceeding the sum of sevenpence halfpenny, or less than fourpence halfpenny *per day* to be made to each poor person, out of any money in their hands respectively, arising from the duties of customs or excise, as the law may require.

Allowance to
poor persons
confined under
exchequer process.

[53 Geo. 3. c. 113.]

Act for providing Relief for the poor Prisoners confined in the King's Bench, Fleet, and Marshalsea Prisons.

[10th July 1813.]

Whereas by an act made in the forty-third year of the reign of Queen Elizabeth, intituled, *An act for the relief of the poor*, 43 Eliz. c. 2.
the justices of the peace of every county or place corporate at their general sessions, were directed to rate every parish a weekly sum, in manner therein mentioned, and to set what competent sums of money should be sent quarterly, from every county or place corporate, for the relief of the prisoners of the *King's Bench* and *Marshalsea* prisons, who were sent out of every county yearly twenty shillings or less to each of the said prisons of the *King's Bench* and *Marshalsea*; to be collected in manner therein expressed, and paid over to the lord chief justice of *England* and knight

toward the relief of the said hospital :'' May it please Your Majesty that it may be enacted : and be by the King's most excellent Majesty, by and with and consent of the lords spiritual and temporal, and in this present parliament assembled, and by the f the same, That from and after the passing of this d acts of the forty-third year of the reign of Queen and the twelfth year of the reign of his said late ng *George* the Second, and all and every the clauses, ovisions, matters, and things therein respectively so far as the same relate or apply to the yearly ded for the relief of the poor prisoners confined in *Bench* and *Marshalsea* prisons, and also the said act enth year of the reign of His late Majesty King Second, and all and every the clauses, powers, matters, and things therein contained, shall be ae are hereby repealed.

12 G. 2. c. 29.

Certain provisions of act of 48 Eliz. and 12 G. 2. relating to prisoners, repealed.

11 G. 2 repealed.

be it further enacted, That every treasurer of every . division of a county mentioned in the schedule to exed, shall, on or before the first day of *August* in , pay out of the public stock or rates of such county n of a county respectively, the several sums of moed in the schedule to this act annexed, in manner (that is to say,) the sums for the relief of the prined in the *King's Bench* and *Marshalsea* prisons, to the treasurer for the county of *Surrey*; and the he relief of the prisoners confined in the *Fleet* be paid to the treasurer or chamberlain of the city

Treasurers directed to pay the sums mentioned in the schedule out of the county rate.

be it further enacted, That the treasurer for the of the county of *Surrey*, shall from time to time ns of money to be received by him from the said and also the sums to be paid out of the publick tes of the said county of *Surrey*, for the relief of the n the *King's Bench* and *Marshalsea* prisons, to such erson or persons residing near the said prisons reat such times and in such manner as the justices of or the county of *Surrey*, or the major part of them, neral quarter sessions, shall from time to time order

To whom treasurer is to pay the money.

be it further enacted, That the treasurer or chamthe time being of the city of *London* shall from ae pay the sums of money to be received by him aid treasurers, for the relief of the prisoners in the n, to such sufficient person or persons residing near

To whom the chamberlain of London is to pay the money.

the said prison, at such times and in such manner as the justices of the peace for the city of *London*, or the major part of them, at their general quarter sessions, shall from time to time order and direct.

Receipts of
treasurers to
be sufficient
discharges.

V. And be it further enacted, That receipts signed by the treasurer for the time being of the county of *Surrey*, and the treasurer or chamberlain for the time being of the city of *London*, for any monies payable to them respectively by virtue of this act, shall be sufficient discharges for the same; and that receipts signed by any person or persons appointed by the justices of the peace of the county of *Surrey*, and city of *London* respectively, at their quarter sessions respectively, to receive any monies payable by virtue of this act, shall be sufficient discharges to the treasurer for the county of *Surrey*, and the treasurer or chamberlain of the city of *London* respectively.

Courts of
King's Bench
and Common
Pleas may
enforce com-
pliance with
the regula-
tions of the
act.

VI. And be it further enacted, That if any treasurer shall neglect or refuse to pay over any such respective sums of money as ought to be paid by him to the treasurer of the county of *Surrey*, and the treasurer or chamberlain of the city of *London* respectively as aforesaid, or any treasurer of the county of *Surrey*, or treasurer or chamberlain of the city of *London*, shall neglect or refuse to pay over such respective sums of money as ought to be paid by him respectively by virtue of this act, then and in every such case, upon the certificate or certificates, on oath of the treasurer or treasurer, person or persons, to whom the same respectively ought to be paid, being delivered to either of His Majesty's courts of *King's Bench* and *Common Pleas*, or to the court of *Marshalsea*, of such neglect or refusal, it shall be lawful for the said courts of *King's Bench*, *Common Pleas*, or *Marshalsea*, or either of them, to make a rule on every such treasurer so neglecting or refusing as aforesaid, requiring such treasurer to pay the money so reported or certified to be due as aforesaid; and obedience to such rules respectively shall and may be enforced by the said courts, in such manner and by such ways and means as rules of the said courts respectively are usually enforced.

Treasurers to
register their
names and
places of
abode.

VII. And that the said treasurers may be the better amenable to the said courts, be it further enacted, That every person who now is or hereafter shall be elected or appointed treasurer of any county, or division of a county, named in the schedule to this act annexed, shall, within one calendar month after the first day of *August*, or within one calendar month after his election or appointment respectively

the office of treasurer, transmit his name and place of abode to the clerk of the crown in His Majesty's said court of *King's Bench*, to be by him entered or registered in a book kept for that purpose, for which entries no fee or reward shall be taken; and in case any such treasurer shall refuse to transmit his name or place of abode as aforesaid, that then, upon the report of the said clerk of the crown to the said court of *King's Bench*, of such refusal, every such treasurer shall be liable to be prosecuted in the same manner as in case of neglecting or to pay such money as aforesaid.

And be it further enacted, That from time to time as often as there shall be occasion for the said courts of *King's Bench*, *Common Pleas*, and *Marshalsea*, respectively to make any rule or rules as aforesaid, on any of the said treaties, in pursuance of this act, the whole cost and charge of such rule or rules, and all subsequent charges arising thereon, shall be paid by the treasurer whose default or neglect shall cause the making of such rule.

Charge of rules of court to be paid by treasurer, in case of their neglect.

And be it further enacted, That the sum and sums of money provided by this act, shall, from time to time, be distributed by the person or persons to whom the same respectively shall be directed to be paid as aforesaid, by weekly payments, for the relief of such prisoner as shall from time to time be ordered to be relieved, in manner hereinafter men-

Money to be weekly distributed to prisoners.

And be it further enacted, That it shall be lawful for the justices of the peace for the county of *Surrey* to order any prisoner confined in the said *King's Bench* or *Marshalsea* prisons, any alderman or justice of the city of *London*, to give such relief as he or they shall think proper, to be given to any prisoner confined in the said *Fleet* prison, but subject always to the provisions hereinafter contained, and to the orders, and regulations which shall be made as hereafter is mentioned; provided always, that the sum given to any one prisoner shall not exceed sixpence.

Limiting the sum to be allowed to prisoners.

Provided always, and be it further enacted, That no prisoner who shall be charged in execution for debt, shall be relieved by virtue of this act, after the first day of the term following the time when he or she shall be charged in execution.

No prisoner charged in execution, to be relieved after the first day of next term.

and if any such prisoner shall wilfully forswear himself or herself in taking any such oath as aforesaid shall be lawfully convicted thereof, he or she shall suffer such punishment as by law may be inflicted upon persons convicted of wilful and corrupt perjury.

Nor who shall have become supersedeable, or otherwise entitled to be discharged.

Directing the appropriation of surplus monies.

XIII. Provided always, and be it further enacted that any prisoner shall be relieved by virtue of this act, who shall become supersedeable, or entitled to be discharged by virtue of this act for the relief of insolvent debtors.

XIV. And be it further enacted, That all the residue (if any) which may from time to time, day of *August*, in the third year after the passing of this act, and on the first day of *August* in every succeeding year, remain in the hands of the treasurer of the county of *Surrey* and the treasurer or chamberlain of the city of *London*, the person or persons to whom the same respectively have been paid, or any of them, of any of the monies by virtue of this act, to such treasurers respectively before the first day of *August* in the preceding year, relieving the poor prisoners confined in the aforesaid hospitals according to the directions hereinbefore mentioned, forthwith paid by them respectively, to the treasurer of the time being of *Bethlem Hospital*, for the relief of the said hospital.

Accounts to be kept and verified upon oath.

XV. And be it further enacted, That the treasurer of the county of *Surrey*, and also the persons for the time being appointed to receive the monies provided by this act for the relief of the

year, shall respectively lay before the justices there
 a full, true, and exact account of all their re-
 cepts and disbursements of the monies provided
 for, and shall verify the same accounts, if required,
 on oath.

And be it further enacted, That it shall be lawful for Justices em-
 ployed of the peace acting in and for the said county of powered to
 the major part of them, at their general quarter make regula-
 sessions with respect to the sums of money hereby provided tions in addi-
 for the relief of the poor prisoners confined in the said pri- tion to the
 sons, the *King's Bench* and *Marshalsea*, and also for the provisions of
 the city of *London*, or the act.
 or part of them, at their general quarter sessions, to the sums of money hereby provided for the
 the poor prisoners confined in the said *Fleet* prison,
 respectively are hereby authorized and empowered,
 from time to time, when and as often as they respectively
 think proper, to make any orders, rules, and regula-
 tions respecting the payment and application of the monies
 provided, and the prisoners who shall be relieved
 and the securities to be entered into for the due
 performance thereof, and the accounts to be made and given
 for the same, and the remuneration to be allowed
 to persons employed in the execution of this act,
 in so far as may be necessary for the better execution of this act; provided
 that no such additions be made as additions to the provisions herein-
 contained, and be not contradictory thereto; and also
 that the same rules, orders, and regulations, as and when
 they shall think fit.

And be it further enacted, That this act shall be Public act.
 taken to be a public act, and shall be judicially
 notice of as such by all judges, justices, and others,
 being specially pleaded.

The SCHEDULE to which this Act refers.

COUNTIES AND DIVISIONS.				The SUMS to be paid by them for the Relief of the Prisoners in the Prisons of		
				King's Bench.	Fleet.	Mag- istrates.
				£	£	£
Bedford	-	-	-	5	5	-
Berks	-	-	-	10	10	-
Bucks	-	-	-	10	5	-
Cambridge	{	County	-	5	5	-
Cambridge		Isle of Ely & Town of Cambridge	{	5	5	-
Chester	-	-	-	10	10	-
Cornwall	-	-	-	10	5	-
Cumberland	-	-	-	10	5	-
Derby	-	-	-	10	10	-
Devon	-	-	-	20	15	-
Dorset	{	East Division	-	5	5	-
		West Division	-	5	5	-
Durham	-	-	-	15	10	-
York	{	East Riding	-	10	10	-
		North Riding	-	15	10	-
		West Riding	-	30	20	-
Essex	{	East Division	-	10	5	-
		West Division	-	10	5	25
Gloucester	-	-	-	15	10	-
Hereford	-	-	-	10	5	-
Hertford	-	-	-	10	10	-
Huntingdon	-	-	-	5	5	-
Kent	{	East division	-	10	5	-
		West Division	-	10	5	25
Lancaster	-	-	-	30	25	-
Leicester	-	-	-	10	10	-
Lincoln	{	Holland Division	-	5	5	-
		Kesteven Do.	-	5	5	-
		Lindsay Do.	-	10	5	-
Middlesex	-	-	-	100	50	200
Norfolk	-	-	-	15	10	-
Northampton	{	East Division	-	5	5	-
		West Division	-	5	5	-
Northumberland	-	-	-	15	10	-
Nottingham	{	North Division	-	5	5	-
		South Division	-	5	5	-

COUNTIES AND DIVISIONS.				The SUMS to be paid by them for the Relief of the Prisoners in the Prisons of		
				King's Bench.	Fleet.	Mar- shalsea.
				£	£	£
d	-	-	-	10	5	—
nd	-	-	-	5	5	—
	-	-	-	10	10	—
rset	{	West	-	10	5	—
		East	-	10	5	—
ampton	-	-	-	15	10	—
rd	-	-	-	15	10	—
	{	Beccles Division	-	—	5	—
k		Woodbridge Do.	-	5	—	—
		Bury St. Edmund's Do.	-	5	5	—
		Ipswich Do.	-	5	—	—
y	-	-	-	50	40	50
x	{	East Division	-	10	5	—
		West Division	-	10	5	—
rick	-	-	-	15	10	—
morland	{	East Ward	-	5	—	—
		Kendal Ward	-	—	5	—
	-	-	-	15	10	—
ester	-	-	-	10	10	—
sea	-	-	-	2	2	—
on	-	-	-	2	2	—
igan	-	-	-	2	2	—
arthen	-	-	-	3	3	—
arvon	-	-	-	2	2	—
igh	-	-	-	3	3	—
	-	-	-	2	2	—
organ	-	-	-	3	3	—
neth	-	-	-	2	2	—
nouth	-	-	-	3	3	—
gomery	-	-	-	2	2	—
roke	-	-	-	2	2	—
orshire	-	-	-	2	2	—

[54 Geo. 3. c. 84.]

An Act for regulating the Time of holding the Michaelmas Sessions in England. [1st July]

When Michaelmas quarter sessions shall be held in counties in England.

“Whereas the time now appointed for holding the sessions for the *Michaelmas* quarter might be altered to render the attendance at the same more convenient than it is at present;” Be it therefore enacted by His Majesty, by and with the advice and consent of the lords spiritual and temporal, and of the commons of Great Britain in this present parliament assembled, and by the authority of the same, That from and after the passing of this Act, the sessions for the *Michaelmas* quarter shall yearly be holden, for every county, riding, division, borough, and place, within *England* and *Wales*, *Berwick-upon-Tweed*, in the first week after the eleventh day of *October*, instead of at the time now appointed for the same; and that all acts, matters, and things, done, formed, and transacted, at the time appointed by this Act for holding the said *Michaelmas* quarter sessions, shall be as valid and binding to all intents and purposes as if they had been done, performed, and transacted, at the time then appointed for the holding of such sessions; any former acts to the contrary notwithstanding.

Except London and Middlesex.

II. Provided always, That nothing in this Act contained, or be construed to extend, so as to alter or change the time at which the sessions for *London* or *Middlesex* shall be holden.

[54 Geo. 3. c. 96.]

An Act to amend an Act, passed in the fifth Year of Elizabeth, intituled An Act containing divers Orders for Artificers, Labourers, Servants of Husbandry, and Apprentices. [18th July]

5 Eliz. c. 4.

Reciting that persons should not exercise any

“Whereas by an act passed in the fifth year of the reign of Her late Majesty Queen *Elizabeth*, intituled, *An Act containing divers orders for artificers, labourers, servants of husbandry, and apprentices*, it was enacted, That from the first day of *May* then next coming, it should not be lawful for any person or persons, other than such as did

use or exercise any art, mystery, or manual occupation, art except
 set up, occupy, use, or exercise, any craft, mystery, or they had
 vocation, then used or occupied within the realm of Eng- served an ap-
 land, or Wales, except he shall have been brought up therein prenticeship
 in years at least as an apprentice; nor to set any person of seven
 work in such mystery, art, or occupation, being not a years, &c.
 man at that day, except he shall have been apprentice as
 said, or else having served as an apprentice as aforesaid
 become a journeyman, or hired by the year, upon pain
 every person willingly offending, or doing the contrary,
 forfeit and lose for every default forty shillings for every
 th: And whereas it is expedient that so much of the said
 should be repealed: Be it enacted by the King's most
 Excellent Majesty, by and with the advice and consent of the
 spiritual and temporal, and commons, in this present
 Parliament assembled, and by the authority of the same, That
 so much of the said recited act shall be, and the same is here-
 repealed, and declared to be null and void to all intents
 purposes whatsoever.

And whereas by the said statute, divers rules and regu- Other part of
 lations were enacted respecting the qualifications of persons the act re-
 to take and become apprentices, and the term of years specting ap-
 within which such apprentices should be bound, and as to the prentices re-
 of binding such apprentices; and it was also enacted, pealed.
 by the said statute, That all indentures, covenants, promises,
 bargains, of and for the having, taking, or keeping of
 apprentice, otherwise thereafter to be made or taken,
 is by the said statute limited, ordained, and appointed,
 should be clearly void in the law to all intents and purposes;
 that every person that should from thenceforth take or
 retain any apprentice contrary to the tenor and true
 meaning of the said act, should forfeit and lose for every ap-
 prentice so by him taken the sum of ten pounds: And
 whereas it is expedient that so much of the said recited act
 should be repealed: be it therefore enacted, That so much of
 said recited act shall be and the same is hereby repealed;
 that it shall and may be lawful for any person to take,
 retain, or become an apprentice, though not according to
 provisions of the said act; and that indentures, deeds,
 agreements in writing entered into for that purpose,
 which would be otherwise valid and effectual, shall be valid
 and effectual in law, the repeal of so much of the said act as
 herein last above recited notwithstanding.

III. And be it further enacted. That any justice or justices Justices may
 of the peace may hear and determine any complaints that determine
 may arise respecting any apprenticeships, in like manner complaints
 as heretofore.

said city, or of any other city, town, corporate
pany lawfully constituted, or the citizens and fre
of; or any bye-law or regulation of any corporat
pany lawfully constituted.

[54 Geo. 3. c. 107.]

*An Act to render valid certain Indentures for th
Parish Apprentices, and Certificates of the Settle
Persons.* [23d.]

43 Eliz. c. 2. "Whereas by an act passed in the forty-third
late Majesty Queen *Elizabeth*, intituled, *An act
of the poor*, it is enacted, That it shall be law
churchwardens and overseers of the poor of any
the greater part of them, by the assent of two ju
peace, to bind the children of such parents as sh
the said churchwardens and overseers, or the gr
them) be thought able to maintain their childre
prentices: And whereas by an act passed in the
8 & 9 W. 3. c. ninth year of His late Majesty King *William*
30. intituled, *An act for supplying some defects in the
relief of the poor of this kingdom*, it is enacted, T
coming to inhabit in any parish, township, or
bring with them a certificate under the hands and
churchwardens and overseers of the poor, or the
of them, of some other parish, township, or pla
owning and acknowledging the person or person

Indentures for the binding of parish apprentices, and certificates of the settlements of poor persons, have heretofore been signed and executed by a person or persons styling himself or themselves, and stated in such indentures and certificates, to be churchwarden or churchwardens, chapelwarden or chapelwardens, of the township, hamlet, or chapelry, binding such poor apprentices, or granting such certificates: And whereas such person or persons have not been sworn into the office of churchwarden or chapelwardens of such township, hamlet, or chapelry, but of churchwarden of such parish wherein such township, hamlet, or chapelry is contained; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, That all indentures for the binding of poor apprentices, and all certificates of the settlements of poor persons, which have been heretofore signed and executed, or which shall hereafter be signed and executed by a person or persons, who at the time of his or their signing and executing such indenture, or certificate of settlement, acted as churchwarden or churchwardens, chapelwarden or chapelwardens, of the township, hamlet, or chapelry, binding such poor apprentice, or granting such certificate of settlement, shall be deemed and taken to be as good, valid, and effectual, as if the same had been signed and executed by a person or persons actually sworn into the office of churchwarden or chapelwarden of such township, hamlet, or chapelry: Provided always, that such person or persons shall have been duly sworn into the office of churchwarden of the parish wherein the township, hamlet, or chapelry, binding such poor apprentice, or granting such certificate, be contained, or into the office of churchwarden or chapelwarden of such township, hamlet, or chapelry.

Indentures and certificates of settlement made valid, although the churchwardens, &c. were not sworn in. See 1 & 2, G. 4. c. 32; 51 G. 3. c. 50; 56 G. 3. c. 139.

II. And be it further enacted, that all indentures for the binding of poor apprentices, and all certificates of the settlements of poor persons, which shall have been heretofore signed and executed, or which may hereafter be signed and executed by the overseers of the poor of any township, hamlet, or place, and the churchwarden or churchwardens, chapelwarden or chapelwardens, acting for or appointed in respect of such township, hamlet, chapelry, or place, or the major part of them, shall be deemed and taken to be as good, valid and effectual, as if the said indentures and certificates had been signed and executed by such overseers and the churchwardens of the parish wherein such township, hamlet, chapelry, or place is situate, or the major part of them.

Such indentures and certificates to be valid if executed by the overseers of the poor of any township, &c.

An Act to repeal certain Provisions in Local Acts, for the Maintenance and Regulation of the Poor; and to make new Provisions in relation thereto. [30th Ju

All enactments and provisions in respect of gaining settlements contained in local acts, repealed.
See 56 G. 3. c. 120. s. 1.

“Whereas divers local acts of parliament have been enacted containing enactments relative to the maintenance and regulation of the poor, varying the general law with particular districts, parishes, townships, or hamlets, and it is expedient, that some of such enactments should be made general; and that other provisions contained in such acts should be made general;” Be it therefore enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the said parliament, since the commencement of the reign of our said Majesty George the First, whereby any alteration in the law in respect of gaining or not gaining a settlement with particular district, parish, township, or hamlet, shall be deemed and taken to have acquired and to acquirement in every such district, parish, township, or hamlet, by any ways or means he, she, or they, would or might do, or would or might do, in case such act or acts had not been made and passed, and notwithstanding the same, or any of them, are or was in force and open

Persons born II Provided always That no person shall be

II. Provided always, That whenever any person shall be of the body of any poor person, in any house of industry or house for the reception and care of the poor of any district, parish, township, or hamlet, which shall be locally situated in any district, parish, township, or hamlet, contriving to the expences of maintaining the poor in such house, in any other district, parish, township, or hamlet, not contributing to such expence, such person shall, so far as regards settlement of such person, be deemed and taken to be born in the district, parish, township, or hamlet, by whom the father of such person was sent to, and on whose account the father of such person was received and maintained in such house.

Provision respecting settlements by reason of birth in any poorhouse, or house of industry belonging to united parishes.

VI. Provided always, and be it further enacted, That no person shall be deemed or taken to gain any settlement by reason of any residence within any district, parish, township, or hamlet, while he, she, or they shall be detained or confined as prisoner within any such district, parish, township, or hamlet, on any civil process or for any contempt whatsoever.

Prisoners for debt or contempt not to gain settlements while in custody.

V. Provided always, and be it further enacted, That no gatekeeper or tollkeeper of any turnpike road or navigation, or person renting the tolls and residing in any toll-house of any turnpike road or navigation, shall thereby gain any settlement in any district, parish, township, or hamlet.

No gatekeeper or person residing in any tollhouse to gain a settlement thereby.

VI. Provided always, and be it further enacted, That no person or persons shall gain any settlement in any district, parish, township or hamlet, by reason of any residence in any house or other dwelling-place provided for the residence of such person or persons by any charitable institution, while such person or persons shall be supported and maintained at the expence of such charitable institution, as an object or objects of such charity.

No person maintained in any charitable institution to gain any settlement by residence therein.

VII. And be it further enacted, That from and after the coming into force of this act it shall not be lawful for the master, governor, or other person entrusted with the superintendence of any house for the reception of poor persons, or the churchwarden, overseer, or other persons elected, constituted or appointed, by or under the authority of any act or acts of parliament for the controul or management of the poor of any district, parish, township, or hamlet, to punish with any corporal punishment whatsoever, any adult person or persons under his, her, or their care or charge, for any offence or misbehaviour whatsoever; or to confine any such person or persons for any offence or misbehaviour, for any longer

Masters, &c. of poorhouses not to punish or confine beyond a limited time.

100

**Inhabitants
not to be in-
competent
witnesses in
certain cases
on behalf of
or against
their parish-
es.**

IX. And be it further enacted, That no inhabitant rated or liable to be rated, to any rates or district, parish, township, or hamlet, or who maintained or supported thereby, or executing an office thereof or therein, shall, before any court persons whatsoever, be deemed and taken to be thereof an incompetent witness for or against any parish, township, or hamlet, in any matter or rates or cesses; or to the boundary between any parish, township, or hamlet, and any adjoining parish, township, or hamlet; or to any order of removal.

nd be it further enacted, that it shall and may be law-
the churchwardens, overseers, or others, having the
l, ordering, or management of the poor of any dis-
trish, township, or hamlet, to employ any proper per-
sons whomsoever, to carry, remove, and deliver any
or paupers ordered to be removed by any of His Ma-
justices of the peace competent to make such order; and
delivery by such person or persons of any pauper or
so ordered to be removed, shall be as good, valid, and
l, to all purposes whatsoever, as if the same was or
livered by any churchwarden or overseer whatsoever.

Paupers or-
dered to be
removed, may
be conveyed
by other per-
sons than
churchwar-
dens or over-
seers.

And be it further enacted, That it shall and may be
for any two or more of His Majesty's justices of the
cting for the county, riding, division, or jurisdiction,
ch any district, parish, township, or hamlet, shall be
l, in petty sessions assembled, on application made to
y any person rated to any rates or cesses within any
strict, township, parish, or hamlet, to be discharged
om, and proof of his or her inability, through poverty,
such rate or cess, with the consent of the churchwardens
erseers of such district, parish, township, or hamlet, or
other person or persons as is or are competent to act,
he authority of any act or acts of parliament, for the
ig, management, controul, or direction of the poor of
ch district, parish, township, or hamlet, to order and
that such person shall be excused from the payment of
ate or cess, and to strike out his or her name there-
and the sum at which such person was so rated in such
cess shall not thereafter be collected, or any person or
s charged therewith, or in any manner called or liable
runt for the same, or for omitting to collect or receive
ae.

Justices out
of sessions,
with consent
of parish
officers, may
discharge
paupers from
the payment
of parish
rates.

. And be it further enacted, That the goods and chattels
person or persons neglecting or refusing to pay any
sums of money legally assessed on and due from him,
them, in respect of any rate for the relief of the poor,
cess, or highway cess, of any district, parish, town-
or hamlet, for the space of seven days after the same
ave been legally demanded of him, her, or them, shall
y be distrained, not only within such district, parish,
up, or hamlet, but also within any other district, parish,
up, or hamlet, within the same county, riding, division,
isdiction; and if sufficient distress cannot be found
the same county, riding, division, or jurisdiction, then,
with thereof made before any one or more justice or jus-
f the peace of any other county, riding, division, or

Distress for
poor's rate,
&c. if not to
be found
within the
district, &c.
may be made
out of the
district.

jurisdiction, in which any of the goods or chattels of persons shall be found; which oath such justice or justices are hereby required to administer and certify, by indorsement of his or their respective handwriting, his or their name or names, on the warrant granted to make such distress, the goods or chattels of the said person or persons so neglecting or refusing to pay as aforesaid, shall be subject and liable to such distress and sale, in such other county, riding, division, or jurisdiction where the same shall be found; and may, by virtue of such warrant and certificate, be distrained and sold in the same manner as if the same had been found within the district of the parish, township or hamlet, in or for which such rate had been made or was due.

[55 Geo. 3. c. 46.]

An Act to amend an Act passed in the Forty-eighth Year of His present Majesty, intituled, An Act for the Care and Maintenance of Lunatics, being Paupers or Idiots, in England.

[Repealed by 9 Geo. 4. c. 40. s. 1.]

[55 Geo. 3. c. 137.]

An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their Use; to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty, as restrains Justices of the Peace from ordering to poor Persons in certain Cases for a longer Period than one Month at a time; and for other Purposes therein mentioned relating to the Poor. [4th July,

Whereas many persons, received into public workhouses established for the relief, maintenance, and employment of the poor, pawn and dispose of their clothes and apparel, and goods and chattels deposited in or belonging to such workhouses; and poor persons, relieved by having clothes and apparel given them by the officers of parishes, frequently sell the same; and by the laws now in force no punishment can be inflicted on them, or on the person or persons buying or receiving the same into pawn: For remedy whereof it please Your Majesty that it may be enacted: and

ed by the King's most excellent Majesty, by and with the
 e and consent of the lords spiritual and temporal, and
 mons, in this present parliament assembled, and by the
 crity of the same, That the property of and in all
 singular the goods, chattels, furniture, provisions,
 es, linen, and wearing apparel, tools, utensils, mate-
 ; and things whatsoever, had and to be had, bought,
 red, or provided for the use of the poor of any parish or
 shes, township or townships, hamlet or hamlets, place or
 es, shall be and the same is hereby vested in the overseers
 le poor of such parish or parishes, township or townships,
 let or hamlets, place or places for the time being, and
 r successors in office, for the purposes of this act, who are
 dy empowered to bring, or cause to be brought any action
 ctions, or to prefer or order the preferring of any bill or
 of indictment against any person or persons who shall
 l, take, or carry away, or buy or receive any such goods,
 els, provisions, clothes, linen, furniture, wearing apparel,
 s, utensils, materials, or things whatsoever as aforesaid, or
 part thereof; and in every such action and indictment the
 l goods, chattels, provisions, clothes, linen, wearing appa-
 tools, utensils, materials, and things, shall be laid or de-
 bed to be the property of the overseers of the poor for the
 e being of such parish or parishes, township or townships,
 let or hamlets, place or places, without stating or specify-
 the name or names of all or any of such overseers: Pro-
 ed always, that nothing herein contained shall extend to re-
 d any of the provisions contained in any act or acts of par-
 ment, whereby the property of and in any such goods, chat-
 l, furniture, provisions, clothes, linen, wearing apparel,
 s, utensils, materials, and things, is or may be vested in
 y other person or persons jointly with, or independent of
 overseers of the poor of any parish or parishes, township
 townships, hamlet or hamlets, place or places.

Property in
 goods, &c.
 provided for
 the use of the
 poor to be
 vested in
 overseers.

Not to repeat
 provisions in
 local acts.

II. And be it further enacted, That the overseers of the
 or, or other person or persons who may be appointed for
 ordering regulating, managing, or providing for the poor
 any parish or parishes, township or townships, hamlet or
 hamlets, place or places, jointly with or independent of such
 overseers of the poor, shall or may, and they are hereby au-
 thorized and empowered to cause all such goods, chattels,
 furniture, clothes, linen, wearing apparel, tools, utensils,
 materials, and things capable of being marked, and from
 time to time belonging to such overseers, or other person or
 persons, to be marked, stamped, or branded with the word
 "workhouse," and such other mark or marks as they shall
 think proper for identifying the parish or parishes, township

Parish offi-
 cers may
 cause the
 goods, &c. to
 be marked

Penalty on persons buying or receiving into pawn any property provided for the poor by parish officers;

or defacing marks.

on non-payment of penalty, offenders to be committed.

Persons absconding with workhouse property, to be committed.

or townships, hamlet or hamlets, place or places, by the same shall have been provided: And if any pawn or other person or persons, shall knowingly take in buy, exchange or receive any goods, chattels, fur clothes, linen, wearing apparel, tools, utensils, and things provided for the use of any of the poor or shall be received into the workhouse of any parish, township or townships, hamlet or hamlets, places, or to whom the same shall have been given overseers of the poor, or other such person or persons aforesaid appointed as aforesaid, of or for any such parish, township or townships, hamlet or hamlets, places, or any of them, or any of the goods or materials carried into any such workhouse or workhouses, wrought up, manufactured, or used by the poor or any of the goods or furniture of such workhouse or houses; or shall receive or buy any of the provisions to or provided for the poor of such workhouse or workhouses, or shall be aiding or assisting therein; or if any persons shall cause such mark or stamp, marks or stamps as aforesaid, to be obliterated or defaced, every person so offending shall forfeit for every such offence any sum exceeding the sum of five pounds, nor less than one upon conviction thereof, either by the confession of such person or persons, or by the oath of one or more credible persons or witnesses, before any one or more of His Majesty's justices of the peace of the county, city, town, or rural division wherein the offence or offences shall be committed, one moiety of which said penalty shall go to the informer, and the other moiety shall go and be paid to the overseers of the poor of the parish or parishes, townships, hamlet or hamlets, place or places to which such articles or things may belong, for the use of the poor of such parish or parishes, township or townships, hamlet or hamlets, place or places; and in case any person or persons shall be convicted as aforesaid, shall not pay such penalties upon conviction, then and in such case such person or persons shall and is and are required to commit such offender or offenders to the gaol or house of correction, there to remain without mainprize for any space of time not exceeding two calendar months; and if any person or persons shall desert away from any workhouse or workhouses, and carry with him, her, or them, any clothes, linen, or other goods or things as aforesaid, such person or persons being lawfully convicted either by the confession of such person or persons, or by the oath or oaths of one or more credible persons or witnesses, before any justice or justices of the

by such justice or justices of the peace be forthwith committed to the common gaol or house of correction, there to remain without bail or mainprize for the space of three calendar months; and in all cases such mark, stamp, or seal, on any such articles or things as aforesaid (being duly authenticated) shall be considered and taken to be sufficient evidence, without further proof, of the right of property in the owner or other person or persons appointed as aforesaid, as the case may be: Provided always, that such mark or seal as aforesaid shall not at any time be placed on any article of wearing apparel so as to be publicly visible on the exterior of the same.

Mark or stamp on articles to be evidence of the right of property. Mark not to be put on the outside of wearing apparel.

And whereas by an act passed in the thirty-sixth year of the reign of His present Majesty, intituled, *An act to amend the law* 36 G. 3. c. 23.
of an act made in the ninth year of the reign of King George the First, intituled 'An act for amending the laws relating to the settlement, employment, and relief of the poor,' as respects the distributing occasional relief to poor persons in their houses, under certain circumstances and in certain cases, justices of the peace are authorized and empowered to direct and order collection and relief to industrious poor persons at their homes, in any parish, town, towship, or place, notwithstanding any contract shall have been entered into or made with any person or persons for lodging, keeping, maintaining, and employing any and all poor persons there, in a house or houses for such purpose hired or purchased, provided that such order should be given for and remain in force for a time not to exceed one month from the date of such order, but that any two justices might make any further order for the same or a like purpose, for any further time not exceeding one month, and so on from time to time as the occasion should require: And whereas it is expedient that justices should be empowered to order relief to be paid to poor persons, in the cases mentioned in the said act, for longer periods than one month at a time; be it therefore enacted by the authority aforesaid, that from and after the passing of this act it shall and may be lawful to and for any justice or justices of the peace, in the cases and in the manner mentioned in the said act, to direct and order collection and relief to be paid to any poor person or persons, at his, her, or their house or houses, house or houses, during such time or times as such justice or justices may seem proper, not exceeding six months from the date of such order: Provided also, that it shall and may be lawful for any two such justices as aforesaid, to make any further order for the same or the like purpose, for any further time not exceeding six months from the date of such order, and so on from time to time as the

The time for which justices may order relief to poor persons at their own homes extended.

Justices making such orders may direct the payment of relief to be discontinued.

occasion shall require ; such justice or justices first administering an oath as to the need and cause of such relief, in any of the above cases, and thereupon summoning the overseers or overseers of the poor of the parish, town, township, or place, to be charged with such relief, to shew cause why such poor person or persons should not receive such relief in the manner as by law provided, in cases where no contract for lodging, keeping, and maintaining the poor shall have been made ; and in case it shall afterwards appear to the justice or justices making such order, that the payment of such collection or relief to any such person or persons as aforesaid ought to be discontinued before the expiration of the term for which any such order or orders shall have been made, such justice or justices shall and may order such relief to be discontinued, and from thenceforth the person or persons whom and on whose account such order shall have been made, shall not be entitled to ask or receive the same.

Limitation of allowances in certain cases.

IV. Provided always, and be it further enacted, That no sum or sums of money which any such justice or justices may order to be paid to any such poor person or persons for any longer space or period of time than one month, shall not exceed for each such poor person the sum of three shillings *per* week, or three-fourths of the average weekly pence which shall be usually borne or paid by the parish or place on which such order shall be made for the maintenance of each poor person, in any workhouse or workhouses in which poor persons of or belonging to such parish or place shall be usually maintained and employed.

Persons guilty of misbehaviour in workhouses, may be committed.

V. And whereas persons maintained in public workhouses sometimes refuse to work, or are guilty of drunkenness, or other misbehaviour, and by the laws in being no such punishment is provided for such offences ; be it therefore enacted, that in case any person or persons, maintained in any public workhouse or workhouses established for the relief and maintenance, and employment of the poor, shall refuse to work at any work, occupation, or employment, suited to his or their age, strength, and capacity, or shall be guilty of drunkenness or other misbehaviour, every such person or persons, being thereof lawfully convicted before any justice or justices of the peace, shall thereupon by such justice or justices of the peace be committed to the common gaol or house of correction, there to remain without bail or privilege for any period of time not exceeding twenty-one days, and during such time to be kept to hard labour.

Persons hav-

VI. And be it further enacted, That from and after

y-fifth day of *March* next after the passing of this act, churchwarden or overseer of the poor, or other person reasons in whose hands the collection of the rates for the of the poor, or the providing for, ordering, managing, controul, or direction of the poor of any parish or hes, township or townships, hamlet or hamlets, place or s, shall or may be placed jointly with or independent of churchwardens and overseers, or any of them, under or true of any act or acts of parliament, shall, either in his name, or in the name of any other person or persons, he, furnish, or supply for his or their own profit, any materials, or provisions, for the use of any workhouse workhouses, or otherwise, for the support and maintenance of the poor, in any parish or parishes, township or ships, hamlet or hamlets, place or places, for which he he shall be appointed as such, during the time which he he shall retain such appointment, nor shall be concerned, sly or indirectly, in furnishing or supplying the same, or my contract or contracts relating thereto, under pain of sisting the sum of one hundred pounds, with full costs of Penalty.

to any person or persons who shall sue for the same by m of debt, or on the case, in any of His Majesty's courts eord at *Westminster*, in which action or actions no es- p, protection, wager of law, or more than one imparlance e be allowed: Provided nevertheless, that if it shall hap- Exceptions in certain cases.

in any parish or parishes, township or townships, hamlet hamlets, place or places, that a person or persons com- mit and willing to undertake the supply of any of the icles or things required for such workhouse or workhouses, for the use of the poor there, cannot be found within a wement distance therefrom, other than and except some or of the churchwardens and overseers of the poor, or other men or persons having the ordering, managing, controul direction of the poor, in such parish or parishes, township townships, hamlet or hamlets, place or places, then and in ay such case it shall and may be lawful to and for any or more neighbouring justices of the peace (proof thereof ing been first duly make before them upon oath, and sh oath such justices, or any one of them, are and is uly authorized and empowered to administer) by certifi- e under their hands and seals, to permit and suffer any or more of such churchwardens and overseers, or other sh person or persons as aforesaid, to contract and agree e the furnishing and supplying of any articles or things sh may be required for such workhouse or workhouses, otherwise, for the use of the poor of such parish or a- hes, township or townships, hamlet or hamlets, place or hes, during the time which he or they may retain such

appointment, any thing herein contained to the notwithstanding : and such certificate shall be entered by the clerk of the peace or town clerk of the county, town, or district, in which such person or persons reside, and a copy thereof left with him, for which every such clerk shall receive one shilling and no more from that time, every person and persons named in such certificate shall be discharged from any penalty to which he or they would otherwise be liable under this act, for furnishing or supplying any such articles or things as aforesaid, and in case any action or suit for the recovery of such penalty as aforesaid shall be commenced against any person or persons to whom such certificate shall have been granted as aforesaid, it shall and may be lawful to and for any person or persons to plead generally, that he or they were duly discharged from any liability to such forfeiture by virtue of a certificate granted according to the provisions of this act, and upon due proof being given of such certificate, such entry thereof as aforesaid, the jury shall find in favour of the defendant in such action or suit ; and if the plaintiff or plaintiffs shall become nonsuited, or discontinued in their action, or if verdict shall pass against him, her, or them, or if judgment shall be had against him, her, or them on demurrer, then the defendant or defendants in such action shall have double costs, and have such and the like costs for the recovery of the same as any defendant or defendants shall have or hath for recovering costs of suit in any other case by law.

Notice of
contracts for
supplying
workhouses
to be given.

VII. And be it further enacted by the authority aforesaid, That from and after the passing of this act, when and as any contract or contracts shall be made or entered into for the providing, furnishing, or supplying any articles or things, for the use of the poor in the workhouses of or belonging to any parish or parishes, township or townships, hamlet or hamlets, place or places, the erecting of any building or buildings, the expence of which is to be defrayed out of any rate or rates, or other money applicable to the relief of the poor, the churchwardens, overseers of the poor, or other person or persons having the management, controul, or direction of the poor in such parish or parishes, township or townships, hamlet or hamlets, or places, shall cause notice of their intention to enter into such contract or contracts, and of the time and place and where they shall assemble and meet for such purpose, and of the security which will be required for the performance of such contract or contracts, to be affixed in a conspicuous manner on the outer door of the church or re-

places to which such parish or parishes, township or townships, hamlet or hamlets, place or places, shall belong, or to be inserted in one or more of the public newspapers most generally circulated in the neighbourhood, seven days at the least previous to such meeting, in order and to the intent that any person or persons willing to undertake the supplying and furnishing the same, may make proposals for that purpose to such churchwardens and overseers, or other person or persons as aforesaid, at the time and place mentioned in such notice.

III. And be it further enacted, That all justices of the peace before whom any person or persons shall be convicted of any offence against this act, shall and may cause the conviction to be drawn up in the following form, or to the like effect; (that is to say,) Form of conviction.

Be it remembered, that on the _____ day of _____
 the _____ year of our Lord _____ A. B. is duly con-
 sidered before _____ of His Majesty's justices of
 the peace for the county of _____ [or, city, or,
 town, of _____ as the case may be] of having
 committed the offence contrary to the statute in that case
 made and provided. Given under my hand and seal [or, our
 hands and seals, as the case may be] the day and year first
 above written.

And that such conviction shall be good and effectual in law for all intents and purposes, and shall not be quashed or set aside, or adjudged void or insufficient, for want of any other form of words whatever; nor shall the same be removed by writ or any other writ or process whatsoever, into any other Majesty's courts of record at Westminster; any law, statute, or usage to the contrary thereof notwithstanding. Conviction not to be set aside for want of form.

IX. Provided always, and be it further enacted, That if any person or persons shall think himself, herself, or themselves aggrieved by the judgment of such justice or justices aforesaid, such person or persons may appeal to the next general or quarter sessions of the peace to be held for the county, city, or place wherein the cause of complaint shall be taken; such person or persons at the time of his, her, or their conviction entering into a recognizance, with two sufficient sureties conditioned personally to appear at the said sessions, to try such appeal, and to abide the further judgment of the justices at such sessions assembled; and the said justices at such general or quarter sessions shall hear and determine the causes and matters of such appeal in a sum- Appeal to the quarter sessions.

Recognizances to be entered into.

Decision to
be final.

mary way, and make such order therein as the said judges shall think proper; and the determination of such justice at their general or quarter sessions shall be final and conclusive.

[55 Geo. 3. c. 184, Sch.]

An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies, now payable in Great Britain and for granting other Duties in lieu thereof.

[11th July, 1801]

The following is that part of the Schedule which relates to Apprentices.

APPRENTICESHIP and CLERKSHIP.—Indenture or other instrument or writing containing the covenants, articles, or agreements, for or relating to the service of any apprentice, clerk, or servant, who shall be put or placed to or with any master or mistress, to learn any profession, trade, or employment whatsoever; *except articles of clerkship to attorneys and others herein-after specifically charged;*

If the sum of money, or the value of any other matter or thing which shall be paid, given, assigned or conveyed, or be secured to be paid, given, assigned or conveyed, to or for the use or benefit of the master or mistress, with or in respect of such apprentice, clerk, or servant, or both the money and value of such other matter or thing shall not amount to 30*l.* - - - £1 0

If the same shall amount to 30*l.* and not amount to 50*l.* - - - - - 2 0

If the same shall amount to 50*l.* and not amount to 100*l.* - - - - - 3 0

If the same shall amount to 100*l.* and not amount to 200*l.* - - - - - 6 0

If the same shall amount to 200*l.* and not amount to 300*l.* - - - - - 12 0

If the same shall amount to 300*l.* and not amount to 400*l.* - - - - - 20 0

If the same shall amount to 400*l.* and not amount to 500*l.* - - - - - 25 0

If the same shall amount to 500*l.* and not amount to 600*l.* - - - - - 30 0

APPRENTICESHIP and CLERKSHIP—(continued.)

If the same shall amount to 600 <i>l.</i> and not amount to 800 <i>l.</i>	-	-	-	-	-	40	0	0
If the same shall amount to 800 <i>l.</i> and not amount to 1000 <i>l.</i>	-	-	-	-	-	50	0	0
And if the same shall amount to 1000 <i>l.</i> or upwards	-	-	-	-	-	60	0	0
And where there shall be no such consideration as aforesaid, moving to the master or mistress; if the indenture or other instrument shall not contain more than 1,080 words	-	-	-	-	-	1	0	0
And if the same shall contain more than that quantity	-	-	-	-	-	1	15	0

APPRENTICESHIP and CLERKSHIP.—Indenture or other instrument in writing, containing the covenants, articles, or agreements for or relating to the service of any such apprentice, clerk or servant, as aforesaid, who shall be put or placed to or with a new master or mistress, either by assignment, transfer, or turnover, or upon the death, absence, or incapacity of the former master or mistress, or otherwise; or any writing whatever, whereby any such assignment, transfer, or turnover may be effectuated or ascertained—

Where there shall be any such valuable consideration as aforesaid, moving to the new master or mistress, exclusive of any part of the consideration to the former master or mistress, which may be returned, or given, or transferred to the new master or mistress.

Such and the like duty in proportion to the amount or value of such new consideration only, as is before charged on any original indenture of apprenticeship.

And where there shall be no such new consideration; if the indenture or other instrument or writing shall not contain more than 1,080 words - - - £1 0 0
And if the same shall contain more than that quantity - - - - - 1 15 0

And where there shall be *duplicates*, or *two parts*, of any such indenture or other instrument or writing, relating to any such apprentice, clerk, or servant as aforesaid; each part shall be charged with the duty before-mentioned, in all cases where the same shall not exceed thirty-five shillings; and where the same shall exceed that sum, only one part shall be charged with the said *ad valorem* duty, or duty in proportion to the consideration, and the other part shall be charged with a duty of - - - - - £1 15 0

Note.—And *the part*, bearing the *ad valorem* or higher duty, shall belong to and be kept by the apprentice, clerk, or servant, or some person on his or her behalf upon his or her being first placed out; and in each of any subsequent placing out, by assignment or otherwise, *the part* bearing the *ad valorem* duty on that occasion (if any) shall belong to and be kept by the former master or mistress, or his or her representatives, or by the apprentice, clerk or servant, or some person on his or her behalf; and in each of the cases, *the other part*, bearing the lower duty here charged thereon, shall belong to and be kept by the original master or mistress, or the new master or mistress, as the case may be; and the same shall be respectively received in evidence accordingly.

Exemptions from the preceding and all other Stamp Duties

Indentures or other instruments for placing out poor children as apprentices, by or at the sole charge of any parish or township, or by or at the sole charge of any public charity, pursuant to the Act of the 32d year of his Majesty's reign, for the further regulation of parish apprentices.

And all assignments of such poor apprentices; provided that there shall be no such valuable consideration as aforesaid given to the new master or mistress, other than what may have been or shall be given by any parish or township, or by any public charity.

[56 Geo. 3. c. 67.]

An Act to enable such Officers, Mariners, and Soldiers, as have been in the Land or Sea Service, or in the Marines, or in the Militia, or any Corps of Fencible Men, since the Forty-second Year of His present Majesty's Reign, to exercise Trades.

[22d June, 1816.]

Whereas there have been and are divers officers, marines, soldiers, and marines, who have served his Majesty in the late wars by sea and land, some of whom are men that used trades, others that were apprentices to trades who have not served out their times, and others who, by their own industry, have made themselves apt and fit for trades; many of whom, the wars being now ended, would willingly employ themselves in those trades which they were formerly accustomed to, or which they are apt or able to follow and make

r getting their living by their own labour, but are hindered from exercising those trades in certain corporations, and other places within this kingdom; for certain bye laws and customs of those places; for whereof, be it enacted by the King's most excellent by and with the advice and consent of the lords spiritual, and commons, in this present Parliament, and by the authority of the same, That all such mariners, soldiers, and marines, as have been at any time employed in the service of his Majesty since the twenty-first of June, one thousand eight hundred and two, and who have since deserted the said service, and also the wives and children of such officers, mariners, soldiers, and marines, who have been employed in the King's service since June 22, 1802, and have not since deserted, and also the wives and children of such, may set up and exercise such trades in any part of this kingdom, and shall not be liable to be removed from thence to their last legal place of settlement, until they become actually chargeable to the parish; and if any such officer or officers, mariner or mariners, soldier or soldiers, marine or marines, or the wife or child of any such officer, mariner, soldier, or marine, shall be sued, impleaded, or indicted in any court whatsoever in this kingdom for using or exercising any such trades as aforesaid, then the said officer or officers, mariner or mariners, soldier or soldiers, marine or marines, or the wife or child of any such officer, mariner, soldier, or marine, making default to the same court where they are so sued, impleaded, or indicted, that they have served his Majesty as aforesaid, that he, she, or they is or are the wife or wives, child or children of such officer or officers, mariner or mariners, soldier or soldiers, marine or marines, who shall have so served his Majesty, shall, upon the general issue pleaded, be found guilty in any plaint, bill, information or indictment against them; and such person or persons who, notwithstanding this act, shall prosecute the said suit by bill, information, or indictment, and shall have a verdict against him or them, or become nonsuit therein, or shall sue his or their said suit, shall pay unto such officer or officers, mariner or mariners, soldier or soldiers, marine or marines, or the wife or child of such officer, mariner, soldier, or marine, respectively, double costs of suit, to be recovered thereon at common law may be recovered; and all such officers, mariners, soldiers, and marines, or their wives and children, before whom any such suit, information, or

Officers, mariners, soldiers, and marines, who have been employed in the King's service since June 22, 1802, and have not since deserted, and also the wives and children of such, may set up and exercise such trades in any part of this kingdom, and shall not be liable to be removed from thence to their last legal place of settlement, until they become actually chargeable to the parish;

and if sued, upon pleading the general issue, they shall be acquitted, and be paid double costs of suit.

indictment shall be brought, and all other persons whats are to take notice of this present act, and shall conform selves thereto ; any statute, law, ordinance, custom, o vision to the contrary in anywise notwithstanding.

When any two justices shall summon such persons to give evidence as to the place of settlement, they shall, make oath accordingly; an attested copy whereof shall be given them.

II. And be it further enacted, That it shall and n lawful for any two or more justices of the peace for the ty, city, town, or place where any such officer, ma soldier, or marine shall set up and exercise any trade as : said, to cause such mariner, soldier, or marine, to be moned before them in the city, town or place where officer, mariner, soldier, or marine shall set up and ex such trade as aforesaid, in order to make oath of the pl his last legal settlement, which oath the said justice hereby empowered to administer, and such officer, ma soldier, or marine, is hereby directed to obey such sum and to make oath accordingly ; and such justices are h required to give an attested copy of such affidavit so ma fore them to the person making the same, in order th may produce it when required ; which attested copy sh any time be admitted as evidence as to such last legal : ment before any of his Majesty's justices of the peace : general or quarter sessions of the peace : Provided al that in case any such officer, mariner, soldier, or marin be again summoned to make oath as aforesaid, then on su tested copy of the oath by him formerly taken being pro by him, or by any other person on his behalf, such officer, ner, soldier, or marine shall not be obliged to take any or further oath with regard to his legal settlement, bu leave a copy of such attested copy of his examination, quired.

This act shall extend to militia-men and fencibles who have served five years.

III. And be it further enacted, That this act, and ever thereof, shall extend to all officers and soldiers who hav sonally served in the militia, or any of the fencible regis from the said twenty-second day of *June*, one thousand hundred and two, for the term of five years, and hav honourably discharged.

Privileges of the two universities reserved.

IV. Provided always, That this act shall not be in as prejudicial to the privileges of the universities of *Cam* and *Oxford*, or either of them, or extend to give liberty t person to set up the trade of a vintner, or to sell any wi other liquors within the said universities, without licens had and obtained from the vice chancellor of the same re tively.

[56 Geo. 3. c. 129.]

Act to repeal certain Provisions in Local Acts for the Maintenance and Management of the Poor.

[1st July, 1816.]

Whereas divers local acts of parliament have lately passed containing enactments relative to the maintenance and relief of the poor, varying the general law with respect to particular districts, parishes, townships, or hamlets; and it is expedient that some of such enactments should be repealed; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all enactments and provisions, contained in any act or acts of parliament since the commencement of the reign of His late Majesty King George the First, whereby any poor person or persons, other than such as shall actually apply for and receive parochial relief, are compelled or made compellable to go or remain in any house of industry or workhouse; or whereby any poor person or persons may be detained or kept in any house of industry or workhouse; at the discretion of the governors or directors thereof, or of the churchwardens or overseers of the poor of any district, parish, township, or hamlet, after such persons are capable of maintaining themselves; or whereby any poor person or persons may be compelled to remain in any house of industry or workhouse, and the charges and expences to which any district, parish, township, or hamlet may have been put or become liable or chargeable for the maintenance or support of such poor person or persons, or any of his or her family, shall be repaid or reimbursed or satisfied by the earnings or labour of such poor person or persons; or whereby any poor child or children whatsoever is or are rendered liable to be apprenticed to any governor, director, or master of any such house of industry or workhouse; or whereby any parish, township, or hamlet, at a greater distance than ten miles from such house of industry or workhouse, shall hereafter be empowered or authorized to become contributors to, or to take the benefit of such house of industry or workhouse; or whereby any directors, governors, guardians, or masters of any such house of industry or workhouse, are authorized or empowered to hire out any poor person or persons of full age, or to contract or agree with any person or persons to have and take the profit of the labour of such poor person or persons; shall be wholly

Certain enactments in local poor acts, passed since the commencement of the reign of G. 1. repealed.

and severally, and the same are hereby wholly and s repealed.

Confining the
poor by
chains or
manacles
unlawful.

II. And be it further enacted, That from and : passing of this act, it shall not be lawful for any g director, guardian, or master, of any house of inc workhouse, on any pretence, to chain, or confine b or manacles, any poor person of sane mind.

[56 Geo. 3. c. 139.]

An Act to regulate the binding of Parish Apprentices
[2d July,

Whereas many grievances have arisen from the of poor children as apprentices by parish officers to is persons, and to persons residing at a distance from the to which such poor children belong, whereby the said officers, and the parents of such children, are deprived opportunity of knowing the manner in which such e are treated, and the parents and children have, in m stances, become estranged from each other ; and al the permission given to apprentices, by the persons to such apprentices have been bound, to serve others w formal assignment, whereby the discretion to be exer magistrates in placing out apprentices to suitable per frequently rendered of no avail : For remedy whereo enacted by the King's most excellent Majesty, by as the advice and consent of the lords spiritual and te and commons, in this present parliament assembled, the authority of the same, That from and after the f of October in the year of our Lord one thousand eig dred and sixteen, before any child be bound apprentie overseers of the poor of any parish, township, or plac child shall be carried before two justices of the peac county, riding, division, or place wherein such parish ship, or place shall be situate, who shall enquire i propriety of binding such child apprentice to the per persons to whom it shall be proposed by such over bind such child ; and such justices shall particularly and consider whether such person or persons reside, c his, her, or their place or places of business within a able distance from the place to which such child shall having regard to the means of communication betwe places, or whether any circumstances shall make it fit, judgment of such justices, that such child should be

How parish
apprentices
shall be
bound. See
1 & 2 G. 4. c.
32.

rentice at a greater distance; and if the father or mother such child shall be living, and shall reside in or near the place to which such child shall belong, such justices shall (if they see fit) examine such father or mother, or either of them, shall particularly enquire as to the distance of the residence or place of business of the person or persons to whom such child shall be proposed to place such child, and the means of communication therewith; and such justices shall also enquire into the circumstances and character of such person or persons; and if such justices shall, upon such examination and enquiry, think it proper that such child should be bound apprentice to such person or persons, such justices shall make an order, declaring that such person or persons is or are fit person or persons to whom such child may be properly bound apprentice, and shall thereupon order that the overseer or overseers of the place to which such child shall belong, shall be at liberty to bind such child apprentice accordingly; which order shall be delivered to such overseer or overseers, as the justices think fit for binding such child apprentice as aforesaid, and the order shall be referred to by the date thereof, and the names of the said justices in the indenture of apprenticeship of such child; and after such order shall have been made, the justices shall sign their allowance of such indenture of apprenticeship, before the same shall be executed by any of the other parties thereto: Provided always, that no such child shall be bound apprentice to any person or persons residing having any establishment in trade, at which it is intended such child shall be employed out of the same county, at a greater distance than forty miles from the parish or place to which such child shall belong, unless such child shall belong to some parish or place which shall be more than forty miles from the city of London, in which case it shall be lawful for the justices who shall authorize the apprenticing of such child to make a special order for that purpose, in which order the justices shall distinctly specify the grounds on which they shall think fit to allow of the apprenticing of such child to person or persons residing, or having an establishment made, at a greater distance than forty miles from the parish or place to which such child shall belong.

L. And be it further enacted, That in all cases where the distance or establishment of business of the person or persons to whom any child shall be bound, shall be within a different county or jurisdiction of the peace, from that within which the place by the officers whereof such child shall be bound shall be situated, and in all other cases where the justices of the peace for the district or place within which the child shall be bound shall be by the officers whereof such child shall be bound shall

Indenture to be allowed by two justices of the county into which apprentice is to be bound, as well as by two justices of the county from which he is bound.

be situated, and who shall sign the allowance of the i by which such child shall be bound, shall not have tion, every indenture by which such child shall be any time after the said first day of *October* shall be as well by two justices of the peace for the county c within which the place by the officers of which s shall be bound shall be situated, as by two justic peace for the county or district within which the p be situated wherein such child shall be intended t Provided always, that no indenture shall be allowe justice of the peace for the county into which such c be bound, who shall be engaged in the same busir ployment, or manufacture in which the person to w child shall be bound is engaged; and notice shall be the overseers of the poor of the parish or place in w child shall be intended to serve an apprenticeship, b justice of the peace for the county or district with such parish or place shall be, shall allow such indent such notice shall be proved before such justice shall indenture, unless one of such overseers shall attend tice, and admit such notice.

The allow-
ance by coun-
ty magis-
trates to be
valid in towns
and places
having exclu-
sive jurisdic-
tion.

III. Provided always, and it is hereby declared, allowance of two justices of the peace for the count which the place in which such child shall be intended an apprenticeship shall be situated, shall be valid a tual, although such place may be situated in a town within which any other justices of the peace may respects have an exclusive jurisdiction.

Distance to
which ap-
prentices
may be bound
not to be li-
mited to ci-
ties which
are counties
of them-
selves.

IV. And whereas there are several cities and which are counties of themselves, and several district without the limits of the county to which such dist pectively belong; be it enacted, That the distance parish apprentices may be bound, shall not be con be limited to such cities and boroughs being coun shall extend to the county in which any such city rough, and any such district though belonging to county, shall be locally situated.

No settle-
ment shall
be gained un-
less direc-
tions com-
plied with.

V. And be it further enacted, That no settlement gained by any child who shall be bound by the office parish, township, or place, by reason of such appres unless such order shall be made, and such allowance indenture of apprenticeship shall be signed, as here directed.

Penalty on]

VI. And be it enacted, That in case any overseer

shall bind an apprentice to any person or persons, without having obtained such order and such allowances as herebefore required, and in case any person or persons shall give any such apprentice as so bound, without such order and allowances having been first obtained, the said overseers, and the said person or persons, shall each respectively forfeit the sum of ten pounds, for each apprentice so bound, to be recovered as the penalties hereinafter given and directed to be recovered.

overseers
binding ap-
prentices
contrary
hereto.

VII. And be it further enacted, That from and after the first day of *October* it shall not be lawful for any parish officers to bind out any child as parish apprentice, until such child shall have attained the age of nine years, any thing in any act or acts of parliament to the contrary notwithstanding.

Children not
to be bound
till they have
attained nine
years.

VIII. And be it further enacted, That if any person or persons to whom any child shall be bound apprentice by the officers of the poor of any parish or place, shall after the first day of *October* remove his, her, or their residence or establishment of business, out of the same county, or forty miles from the parish or place wherein the same was when such child was bound apprentice, such person or persons shall, at least fourteen days previous to such removal, give a written notice thereof to the churchwardens or overseers of the poor of the place where such apprentice shall then reside, and such person or persons shall reside in such place under certificate; and in that case such persons shall give the like notice to the churchwardens or overseers of the poor of the place where such apprentice shall then be legally settled, and such churchwardens and overseers, and also the master or mistress, mistress or mistresses of such apprentice, shall cause such apprentice to appear before two of His Majesty's justices of the peace for the county or district within which such apprentice shall be then serving, who shall enquire whether it may be fit and proper that such apprentice should continue in the service of such person or persons, or be discharged therefrom, or bound or assigned over to any other person or persons, and shall thereupon make order, either for the continuance of such apprentice with such person or persons, or for the discharge of such apprentice, or for the binding or assigning of such apprentice to any other person, as to them in their discretion shall seem meet, and if they shall see fit, shall also require the person or persons so giving notice of removal, to pay the amount of the premium received with such apprentice, or such portion of it as to them shall seem meet, for the expence of assigning or binding

In cases of
masters' re-
moval, &c.
how appren-
tices shall be
disposed of.

such apprentice to any other person, to be approved by said justices; and the person or persons to whom such apprentice shall be so bound or assigned, shall be subject the same rules and regulations as the person or persons whom such apprentice shall be originally bound; and in any such master or masters, mistress or mistresses, shall remove as aforesaid, and shall take any such apprentice any other place, without such order as aforesaid, or shall wilfully abandon and leave any such apprentice, without giving such notice as aforesaid, every person so offending shall forfeit the sum of ten pounds for every such apprentice, to the churchwardens and overseers of the poor of the parish, township, or place, wherein, at the time of such removal or taking, the apprentice shall have been legally apprenticed, for the use of the poor of the same parish, township, or place; provided an information shall be exhibited for such offence within three calendar months next after the commission of the same.

Provisions of
82 G. 3. c. 87.
enforced with
respect to
assigning or
discharging
apprentices.

IX. And whereas it may be expedient, that those whom parish apprentices are bound or assigned should be empowered to place out or assign over such apprentices to others, and it is proper that such placing out or assignments should in all instances be under the inspection and controul of the magistrates: and it is fit that the persons to whom such putting out or assignment shall be made, and also the apprentice, shall be made subject to the ordinary jurisdiction of justices of the peace, with respect to masters and parish apprentices; and it is inexpedient that a master or mistress should in any way discharge or dismiss from his or her service, any parish apprentice without the consent of such justices; be it therefore enacted, That from and after the first day of *October* in the year one thousand eight hundred and sixteen, it shall not be lawful for a master or mistress to put away or transfer any parish apprentice to any other, or in any way to discharge or dismiss from his or her service any parish apprentice without the consent of justices, as is directed in an act passed in the thirty-second year of the reign of His present Majesty, intituled *An act for the further regulation of parish apprentices*, and that no settlement shall be gained by any service of such apprentice, after such putting away or transfer, unless such service shall have been performed under the sanction of such consent as aforesaid.

Penalty on
discharging
apprentices
without the

X. And be it further enacted, That any person or persons, who, after the first day of *October* in the year one thousand eight hundred and sixteen, shall put away or transfer

parish apprentice to another, or who shall in any way charge or dismiss from his or her service any parish apprentice without such consent as aforesaid, shall forfeit a sum exceeding ten pounds for every apprentice so transferred. consent of justices, 10l.

KL. And whereas the salutary provisions enacted by an Indentures not valid unless approved by two justices. passed in the forty-third year of the reign of Her Majesty Queen Elizabeth, intituled *An act for the relief of the* are frequently evaded in the binding out of poor children, and the premium of apprenticeship, or a part thereof, is clandestinely provided by parish officers who are enabled to bind out such poor children, without the sanction of justices of peace; be it further enacted, That from the said first day of October, no indenture of apprenticeship, by reason of which any expence whatever shall at any time be incurred by the public parochial funds, shall be valid or effectual, unless approved of by two justices of the peace, and their hands and seals, according to the provisions of the said act and of this act.

ML. And be it further enacted, That all penalties and forfeitures hereby imposed for any offence against this act, may be recovered by information before any two justices of the peace of the county or district where such offence shall be committed. Penalties may be recovered by information, &c.

NL. And be it further enacted, That it shall and may be lawful to and for the justices before whom any such penalty shall be recovered, to direct such penalty, after deducting necessary costs and charges attending any information, and the proceedings thereon, to be paid, applied, and distributed, either to the person or persons giving information of the offence for which such penalty shall be incurred, or to the overseer of the poor of the parish or township in which such offence shall have been committed, or by the persons whereof such apprentice shall have been bound, for the use of the poor of such parish or township, or in the settling of the apprentice, respecting whom such offence shall be committed, to any other person, or to be distributed and applied for any one or more of such purposes, as to such justices shall seem meet. Justices empowered to dispose of penalties.

OL. And be it further enacted, That in case of non-payment of any penalty hereby imposed, the same shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of the justices before whom such offender shall have been convicted, or of any other two justices of the peace of the same county or district; Recovery of penalties.

XV. And be it further enacted, That the conviction offences against this act, shall be in the form following is to say,)

Persons not paying penalty may be imprisoned. XVI. And be it further enacted, That in case any convicted for any offence against this act shall not pay the penalty imposed by such conviction within one calendar month next after such conviction shall take place, it shall be lawful to and for the justices making such conviction to cause the same to be levied by distress, or to commit the offender for any two other justices of the county or district, to their warrant for the apprehending and imprisoning of such offender, notwithstanding such offender may have goods or chattels whereby such penalty might have been levied.

XVII. And be it further enacted, That any persons who shall be dissatisfied with any act done in justice or justices of the peace in the execution of the same, may appeal against the same to any court or general sessions to be holden for the county within which such act shall have been done, within three calendar months after the fact so complained of, upon giving notice in writing to such justice or justices, and also to the person or persons who shall be appointed to hear and determine the appeal.

ll be interested in such appeal, within twenty-one days
 r the act so appealed against shall have taken place;
 case such appeal shall be against any conviction, en-
 nto a recognizance, with two sufficient sureties,
 ny justice of the peace of the county or district within
 uch conviction shall have taken place, to appear at
 neral or quarter sessions to abide the judgment of
 rt upon such appeal, and to pay the costs which may
 ded thereon; and that it shall and may be lawful to
 the justices at such sessions to hear and determine
 tter of such appeal, and to award costs therein, as
 their discretion shall think fit; and all such appeals
 to the sessions of the county within which the act
 d against shall have taken place, and not to any dis-
 liberty within the same.

l. And be it further enacted, That the provisions and
 s herein contained respecting overseers of the poor,
 e deemed to extend to all churchwardens having the
 and authority of overseers of the poor; and that all the
 ns herein-mentioned and contained respecting any
 or place, shall extend to any incorporated or other
 for the maintenance of the poor; and that the officers
 such district, having power to bind apprentices, shall
 ect to all the rules, regulations, and penalties here-
 ned and contained respecting overseers of the poor.

Power of
 overseers
 extended to
 churchwar-
 dens.

[58 Geo. 3. c. 69.]

An Act for the Regulation of Parish Vestries.

[3d June, 1818.]

hereas it is expedient to regulate the manner of hold-
 ish vestries, and the right of voting therein: May it
 Your Majesty that it may be enacted; and be it
 l by the King's most excellent Majesty, by and with
 vice and consent of the lords spiritual and temporal,
 mmons, in this present parliament assembled, and by
 thority of the same, That from and after the first day
 r, one thousand eight hundred and eighteen, no vestry
 ting of the inhabitants in vestry of or for any parish
 e holden until public notice shall have been given of
 istry, and of the place and hour of holding the same,
 e special purpose thereof, three days at the least before
 y to be appointed for holding such vestry, by the publi-
 of such notice in the parish church or chapel on some

Three days
 notice to be
 given of ves-
 tries;

by publica-
 tion in the
 church, and

affixing on
the church
door.

Sunday during or immediately after divine service, affixing the same, fairly written or printed, on the door of such church or chapel.

Chairman of
vestries ap-
pointed.

II. And for the more orderly conduct of vestries, it is further enacted, That in case the rector or vicar or curate shall not be present, the persons so assembled in pursuance of such notice shall forthwith nominate and appoint a plurality of votes, to be ascertained as hereinafter is enacted, one of the inhabitants of such parish to be the chairman, and preside in every such vestry; and in all cases of a casting vote, upon any question arising therein, the chairman (in addition to such vote or votes as he may by virtue of his office be entitled to give in right of his assessment) shall have a casting vote; and minutes of the proceedings and resolutions of every vestry shall be fairly and distinctly entered in a book (to be provided for that purpose by the churchwardens or overseers of the poor), and shall be signed by the chairman and by such other of the inhabitants present, as shall be proper to sign the same.

Chairman to
have the cast-
ing vote.

Minutes to be
entered and
signed.

Manner of
voting in
vestries. See
59 G. 3. c. 85.

III. And be it further enacted, That in all such cases where any inhabitant present, who shall, by the last rate made shall have been made for the relief of the poor, have been assessed and charged upon or in respect of any annual rent, profit, or value not amounting to fifty pounds, shall be entitled to give one vote and no more; and every inhabitant there present, who shall in such last rate have been assessed or charged upon or in respect of any annual rent, profit or value, amounting to fifty pounds or more (whether in one or in more than one sum or charge) shall have and be entitled to give one vote for every two pounds of annual rent, profit, and value upon or in respect of which he shall have been assessed or charged in such last rate, so nevertheless that no inhabitant shall be entitled to give more than six votes; and in cases where two or more of the inhabitants present shall be jointly rated, each shall be entitled to vote according to the proportion of the amount which shall be borne by him of the joint charge, where one only of the persons jointly rated shall be entitled to vote according to and in respect of the whole of the joint charge.

Inhabitants
coming into
a parish since
the last rate
may vote.

IV. Provided, and be it further enacted, That where any person shall have become an inhabitant of any parish since the last rate made, he shall be entitled to vote for and in respect of the lands, tenements, and

which he shall have become liable to be rated, and shall not to be rated, in like manner as if he should have been fully rated for the same.

. Provided also, and it is hereby further enacted, That Inhabitants person who shall have refused or neglected to pay any refusing pay-
for the relief of the poor which shall be due from and ment of rates
have been demanded of him, and shall be entitled to to be exclud-
ed from ves-
try to be present in any vestry of the parish for which tries.
rate shall have been made, until he shall have paid the

. And be it further enacted, That as well the books For preservation of parish books and papers.
directed to be provided and kept for the entry of the
proceedings of vestries, as all former vestry books, and all
and assessments, accounts and vouchers of the church-
wardens, overseers of the poor, and surveyors of the highways,
other parish officers, and all certificates, orders of courts
of justices, and other parish books, documents, writings,
public papers of every parish, except the registry of mar-
riages, baptisms, and burials, shall be kept by such person
persons, and deposited in such place and manner, as the
inhabitants in vestry assembled shall direct; and if any per-
son in whose hands or custody any such book, rate, assess-
ment, account, voucher, certificate, order, document, writing,
paper shall be, shall wilfully or negligently destroy, obliterate,
or injure the same, or suffer the same to be destroyed,
obliterated, or injured, or shall, after reasonable notice and
demand, refuse or neglect to deliver the same to such person
persons, or to deposit the same in such place as shall by the
order of any such vestry be directed, every person so offending,
being lawfully convicted thereof on his own confession,
or on the oath of one or more credible witness or witnesses,
before two of His Majesty's justices of the peace, upon
complaint thereof to them made, shall for every such offence
pay and pay such sum not exceeding fifty pounds, nor less
than forty shillings, as shall by such justices be adjudged and
determined; and the same shall be recovered and levied, by
warrant of such justices, in such manner and by such ways
and means as poor's rates in arrear are by law to be recovered
and levied, and shall be paid to the overseers of the poor of
the parish against which the offence shall be committed, or to
one of them, and be applied for and towards the relief of the
poor thereof: Provided nevertheless, that every person who
shall unlawfully retain in his custody, or shall refuse to deliver
any person or persons authorized to receive the same, or
who shall obliterate, destroy, or injure, or suffer to be obliterated,
destroyed, or injured, any book, rate, assessment, ac-

Penalty on retaining or injuring parish books, &c.

Recovery and application penalty.

Not to affect other proceedings.

count, voucher, certificate, order, document, writing, or belonging to any parish, or to the churchwardens, or of the poor, or surveyors of the highways thereof, every such case be proceeded against in any of His M courts, civilly or criminally, in like manner as if this not been made.

Provisions in relation to parishes extended to townships, &c.

Manner of giving notices of vestries and meetings in special cases.

Not to alter the time for holding vestries especially directed;

nor to affect special vestries.

Not to extend to London;

nor to Southwark.

To extend only to England and Wales.

VII. Provided always, and be it further enacted, That the provisions, authorities, and directions in this act contained in relation to parishes shall extend and be construed to all townships, vills, and places having separate or of the poor, and maintaining their poor separately; and all the directions and regulations herein contained in to vestries, shall extend and be applied to all meeting may by law be holden of the inhabitants of any parish ship, vill, or place, for any of the purposes in this act sed; and that the notices by this act required to be given every vestry may, in places in which there is or shall parish church or chapel, or where there shall not be service in such church or chapel, be given and published in such manner as notices of the like nature shall have been usually given and published, or as shall be most effect communicating the same to the inhabitants of every parish, township, vill, or place respectively.

VIII. Provided also, and be it further enacted, That thing in this act contained shall extend or be construed tend to alter the time of holding any vestry, parish, meeting, which is by the authority of any act required holden on any certain day, or within any certain time act prescribed and directed; nor shall any thing in contained extend to take away, lessen, prejudice, or a powers of any vestry or meeting holden in any parish ship, or place, by virtue of any special act or acts, ancient and special usage or custom, or to change or a right or manner of voting in any vestry or meeting so

IX. Provided always, and be it enacted, That not this act contained shall extend to any parish within of *London*.

X. Provided always, and be it further enacted, That thing in this act contained shall extend to any parish borough of *Southwark*.

XI. And be it further enacted, That this act shall only to that part of the United Kingdom called *England* and *Wales*; and that the same shall be a public act, and be

en notice of as such by all judges, justices, and others,
t specially pleading the same.

[58 Geo. 3. c. 92.]

*to consolidate and amend the Provisions of several Acts,
ed in the Fifty-first and Fifty-second Years respectively of
Reign of his present Majesty, for enabling Wives and
ilies of Soldiers to return to their Homes.*

[10th June, 1818.]

Whereas an act passed in the fifty-first year of the reign
s present Majesty, intituled *An act for enabling the wives* 51 G. 3. c. 106.
wives of soldiers embarked for foreign service, to return to
homes: And whereas another act passed in the fifty-se-
year of the reign of His present Majesty, intituled *An* 52 G. 3. c. 120.
explain, amend, and extend the provisions of an act passed
last session of parliament, for enabling the wives and fami-
soldiers to return to their homes, to the widows, wives, and
les of soldiers dying, or employed on foreign service: And
was another act passed in the said fifty-second year of the
of His present Majesty, intituled *An act for enabling the* 52 G. 3. c. 27.
and families of soldiers embarked in Ireland for foreign
r, to return to their homes: And whereas many frauds
been practised against the provisions of the said acts, and
certificates used to procure the allowances granted by
ame; and it is therefore expedient that effectual provi-
should be made for the prevention of such frauds, and
further and more effectual provision should be made for
ling the wives and children of soldiers, embarking from
t *Britain or Ireland* for foreign service, and the widows and
ren of soldiers dying in the service, to return to their homes;
for that purpose that the said acts should be consolidated
one act, and the provisions thereof extended and amended;"
t therefore enacted by the King's most excellent Majesty,
nd with the advice and consent of the lords spiritual and
poral, and commons, in this present parliament assembled,
by the authority of the same, That the said several recited
shall be, and the same are hereby repealed; save and ex-
t as to all cases of any offences committed, or frauds prac-
d against the said acts, and as to any prosecutions for any
h offences or frauds, and save and except as to the paying,
ubursing, or accounting for any money under any of the
visions thereof.

Parts of re-
cited acts
repealed.

Secretary at war may issue passes, to be filled up by magistrates.

II. And be it further enacted, That it shall be la the secretary at war in *Great Britain*, or the chief s or in his absence the under secretary for the military ment in *Ireland*, to issue passes to be filled up by an trates or justices of the peace under the provisions of for granting allowances to enable the wives and wi children of soldiers desirous of returning to their ow in certain cases specified in this act, and in any othe which the secretary at war in *Great Britain*, or the s secretary or under secretary in *Ireland*, shall think, special circumstances, that it is expedient to give su ances; and to make such rules and regulations in r the issuing and filling up such passes, and the certifi vouchers upon which the same are to be issued and a advanced, as the secretary at war in *Great Brita* said chief secretary or under secretary in *Ireland*, s fit.

Upon regi-
ments being
ordered on
foreign ser-
vice, &c. how
women are to
be disposed
of.

III. And be it further enacted, That the commar cer of every regiment, battalion, corps, or detachm to embark for foreign service, and the commanding every regiment, battalion, corps, or detachment, in soldiers shall die on service, leaving any widows o destitute of the means of returning to their respecti shall cause a return to be made out of the wives, wi children of the soldiers belonging to such regiment, corps, or detachment, who are desirous of returnir homes, and are unable to do so without the assista allowances authorized by this act, stating in such r several places of residence to which such wives, wi children are desirous of proceeding, and whether *Britain* or *Ireland* respectively: and shall give to e wife or widow a duplicate of such part of such retu apply to each wife or widow, and her child or ch spectively, certifying thereon, under his hand, that to whom such duplicate certificate is given, is the wi or reputed wife, and the child or children of a sold regiment, battalion, corps, or detachment, and stating, in the body of such duplicate certificate, tha does not entitle such wife or widow, or child or cl any allowance whatever, and that no payment or whatever shall be made thereupon, but that such certificate is only given for the purpose of identifi wife or widow, or child or children, before the r or justice, and of enabling him to fill up such pass a allowed by the secretary at war in *Great Britain*, o cretary or under secretary in *Ireland*, in that be

by such commanding officer shall transmit all such returns aforesaid, or duplicate copies thereof, as relate to any wives and widows of soldiers desirous of returning to their homes in Great Britain, to the secretary at war in London, and of such as desirous of returning to their homes in Ireland, to the chief secretary or under secretary for the military department in Dublin; and in every case in which any such wives, widows, or children may have to travel through any part of Ireland to proceed to their homes in Great Britain, or through any part of Great Britain to proceed to their homes in Ireland, such officer shall transmit duplicates of such returns both to the secretary of war in London and chief secretary or under secretary aforesaid in Dublin, or of such parts thereof as relate to such last-mentioned wives, widows, and children as aforesaid.

IV. And be it further enacted, That each wife or widow, whom any such duplicate shall have been delivered as aforesaid, shall forthwith take the same to some neighbourly justice or magistrate, who shall fill up and sign such an engraved copper-plate form of pass, bearing His Majesty's seal, and signed by the secretary at war, or by an officer in his department, and sealed with his official seal in Great Britain, or a like form of pass signed by the said chief secretary or under secretary for the military department in Dublin, or by an officer in his department, and sealed with his official seal in Ireland, as shall have been transmitted to such magistrate or justice by the secretary at war or chief secretary or under secretary aforesaid respectively, or as shall be so transmitted upon application made by such magistrate or justice of the peace for the purposes of this act; and every such magistrate or justice of the peace shall fill up the blanks in such pass, and certify the same, and make out a route in the proper column for such wife or widow and child or children (if any), specifying the place to which such woman is going, and the route; and shall deliver such pass to her in exchange for a duplicate certificate of the commanding officer aforesaid, in order that she may receive such allowances as are authorised by this act, not exceeding per mile one penny halfpenny for herself, and one penny for each child.

V. And be it further enacted, That upon production of the pass to any overseer of the poor if in England, or any treasurer of the kirk session if in Scotland, or postmaster if in Ireland, of any place through which such woman shall proceed, according to the route specified in such pass, he shall, out of any money in his hands, applicable to the relief of the

Duplicate passes to be taken to magistrates, in order to their being filled up and signed.

Overseers of the poor, and treasurer of kirk session, or postmaster in Ireland, to make allowance upon passes.

poor, if an overseer of the poor, or treasurer of kirk session, or out of any public money in his hands if a postmaster, her an allowance not exceeding the rate *per mile* specified in such pass as aforesaid for the number of miles to the city, town, or place to which she may be going, not exceeding eighteen miles; and he shall indorse on such pass the money so paid, and take a receipt from the woman, signed by her hand or with her mark, specifying the regiment, battalion, corps, or detachment to which her husband belongs, or widow, did belong, so as that the description on the receipt may correspond with the description in the pass so produced to him as aforesaid.

Money so advanced to be repaid by collector of excise.

VI. And be it further enacted, That the sums so advanced by any such overseer or treasurer of kirk session shall, on production and delivery of such receipt to the collector of excise of the district within which such overseer or treasurer of kirk session acts as such, or any person officiating for such collector, be repaid to such overseer or treasurer of kirk session for the use of the fund for the relief of the poor, by such collector of excise or other person, out of any public monies in his hands; and all sums so repaid, and all sums advanced for allowances by any postmaster or person acting as postmaster in *Ireland*, shall be allowed in their respective accounts by every such overseer or treasurer of kirk session shall give to the collector of excise, at the time of such repayment, a receipt for the money so repaid; and such receipt of the overseer or treasurer of kirk session, together with the receipt of the woman, shall be taken as cash in the payment of the duties of excise received by such collector, the receipt of the woman for any such allowance paid by any postmaster or person acting as postmaster in *Ireland*, shall be taken as cash in the payment of the post-office duties in *Ireland* received by such postmaster or person aforesaid, and allowed in their respective accounts accordingly; and all sums of money so advanced out of any duties of excise in *Great Britain*, shall be repaid by the general agent, or by any other person appointed for that purpose by the secretary at war in *London* to such person or persons as shall be authorized by the commissioners of excise in *England* or *Scotland* respectively to draw for or receive the same for or on account of the duties; and all sums of money so advanced in *Ireland* shall be repaid by the general agent, or by any other person appointed for that purpose by the chief secretary, or in the absence thereof by the under secretary for the military department in *Ireland*, to the receiver general of His Majesty's post office in *Ireland*.

VI. Provided always, and be it further enacted, That in any city of *Dublin* every such woman shall, in every instance, apply to the agent of the regiment (if any) in *Dublin* to which she shall belong, and not to the postmaster or person acting as such, and such agent shall and may pay and advance in any such money, and indorse and subscribe such certificate aforesaid, and shall be allowed such sum so paid in his receipts; and every such indorsement shall be of the same validity, and effect, to all intents and purposes, as if the same had been done by a person acting as the postmaster in manner aforesaid.

In *Dublin*, application shall be made to the agent of the regiment.

VII. And be it further enacted, That if, by reason of any sickness or accident, any such woman or women, and child or children, shall have been left at any place of embarkation, or at the last quarters of any regiment, battalion, or corps, or at any place on the march from such last place to any place of embarkation, and the regulations and provisions of this act, for giving any such allowances as aforesaid, shall not have been performed, and any such woman or women, or child or children, shall have been omitted in any return as aforesaid, then, and in every such case, it shall be lawful for the officer commanding where such woman or women, and child or children shall have been so left, to make such return as is prescribed by this act, of such woman or women, and child or children, and to transmit the same to the war office in *London* or *Dublin* as aforesaid, as the case may require, and to give to every such woman such duplicate certificate aforesaid, and also to transmit any such further return as may be necessary under any special circumstances of the case, to the secretary of war in *London*, or chief secretary or under secretary in *Dublin*, as the case may require; and every such return and duplicate respectively shall be of the same force and effect in all respects, as if done in manner and by the means specified in this act, in relation to returns and duplicates as aforesaid under this act.

In case of sickness, women entitled to allowance.

X. And be it further enacted, That every such soldier's widow as aforesaid shall, at the last place of receiving allowance under this act, antecedent to her arrival at home, or at the port or place of embarkation, deliver up such pass so given to her as aforesaid, to the person so advancing such allowance, and the overseer of the poor or treasurer of the kirk session paying such allowance in *Great Britain*, shall deliver such pass to the collector of excise; and every such pass so delivered up as aforesaid shall, if in *Great Britain*, be transmitted by the collector of excise to the secretary of war in *London*, and if in *Ireland*, shall be transmitted by the

Pass when to be given up.

postmaster or postmaster general to the under secretary of the military department in *Dublin*.

In case of being detained by contrary winds, overseers to make proper allowances.

X. And be it further enacted, That if by contract or want of a vessel ready for sailing, or by the sickness of herself or of any of her children, or by any other reasonable cause, any such woman shall be detained more than three calendar months at any port or place of embarkation, or at any place of journey, from the signing of the pass by a magistrate or justice of the peace as aforesaid, to her arrival at a port or at her home, whether in *Great Britain* or *Ireland*, in every such case such woman shall and may apply to a justice of the peace, who shall thereupon examine the facts on oath, and if satisfied of the truth thereof, shall give to such woman an order to receive from the overseer of the poor, or treasurer of the kirk session, or person then acting as postmaster, as aforesaid, as the case may require, the sum of one shilling a day for the maintenance of herself, and the sum of sixpence a day for each child for whom an allowance is specified in the order; and such payment shall be made to her accordingly, as she shall be so unavoidably detained, and no longer than for the period of such order, with the receipt of such woman, and the certificate of some magistrate or justice of the peace of the fact of such detention, and the period thereof, shall be a sufficient voucher for every such payment, and every such sum so paid, and duly vouched, shall be allowed and finally discharged out of the funds aforesaid respectively.

Wives and widows of soldiers to conform to regulations.

XI. And be it further enacted, That all wives and families of soldiers having any such passes as aforesaid, and complying with the regulations prescribed therein and in conformity therewith, shall be liable to be treated as vagrants, and may be removed to their homes, either in *England*, *Ireland*, or elsewhere, respectively, as the case may be, in like manner, and with like respect, if no pass had been given.

[59 Geo. 3. c. 12.]

An Act to amend the Laws for the Relief of the Poor
[31st March]

“For the better and more effectual execution of the Acts for the relief of the poor, and for the amendment thereof, may it please Your Majesty that it may be enacted;”

acted by the King's most Excellent Majesty, by and with advice and consent of the lords spiritual and temporal, commons, in this present parliament assembled, and by authority of the same, That it shall be lawful for the inhabitants of any parish in vestry assembled, and they are hereby empowered, to establish a select vestry for the concerns of the poor of such parish; and to that end to nominate select, in the same or any subsequent vestry, or any adjournment thereof respectively, such and so many substantial householders or occupiers within such parish, not exceeding a number of twenty nor less than five, as shall in any such vestry be thought fit to be members of the select vestry; and the rector, vicar, or other minister of the parish, and in his place the curate thereof, (such curate being resident in and paying to the poor's rates of such parish,) and the churchwardens and overseers of the poor for the time being, together with the inhabitants who shall be nominated and elected as a select vestry (such inhabitants being first thereto appointed by the rector, vicar, or other minister of the parish, and in his place the curate thereof, which appointment he is hereby authorized and empowered to make), shall be and constitute a select vestry for the care and management of the concerns of the poor of such parish; and any three of them (two of whom shall be churchwardens nor overseers of the poor) shall be a quorum; and when any inhabitant elected and appointed to serve in any such select vestry shall, before the expiration of his office, die or remove from the parish, or shall become incapable of serving, or shall refuse or neglect to serve therein, the vacancy which shall be thereby occasioned shall, as soon as conveniently may be, be filled up by the election and appointment, in manner aforesaid, of some other substantial householder or occupier of such parish, and so from time to time as often as any such vacancy shall occur; and every such select vestry shall continue and be empowered to continue from the time of the appointment thereof, until fourteen years after the next annual appointment of overseers of the poor of the parish shall take place, and may be from year to year, and in any future year, renewed in the manner hereinbefore directed; and every such select vestry shall meet once every fourteen days, and oftener if it shall be found necessary, in the parish church, or in some other convenient place within the parish; and at every such meeting a chairman shall be appointed by the majority of the members present, who shall preside therein; and in all cases of equality of votes upon any question there arising, the chairman shall have the casting vote; and every such select vestry is hereby empowered and required to examine into the state and condition of the poor of the parish, and to enquire into and determine

Parishes empowered to establish select vestries for the concerns of the poor.

Constitution of select vestries.

Members elected to be appointed by a justice.

Vacancies to be supplied.

Continuance of select vestries.

Power of renewal.

Meetings and duties of select vestries.

Overseers (except in cases of emergency) to give no other relief than such as shall be ordered by the select vestry.

Justices empowered to order relief in certain cases for a limited time.

upon the proper objects of relief, and the nature and amount of the relief to be given; and in each case shall take into consideration the character and conduct of the poor person to be relieved, and shall be at liberty to distinguish, in the relief to be granted, between the deserving, and the idle, extravagant, or profligate poor; and such select vestry shall make orders in writing for such relief as they shall think requisite, and shall inquire into and superintend the collection and administration of all money to be raised by the poor rates, and of all other funds and money raised or applied to the parish to the relief of the poor; and where any such select vestry shall be established, the overseers of the poor are required, in the execution of their office, to conform to the directions of the select vestry, and shall not, (except in cases of sudden emergency or urgent necessity, and to the extent of such temporary relief as each case shall require, and except by order of justices, in the cases hereinafter provided for,) give any further or other relief or allowance to the poor than such as shall be ordered by the select vestry.

II. And be it further enacted, That when any complaint shall be made to any justice of the peace, of the want of adequate relief, by or on the behalf of any poor inhabitant of a parish for which a select vestry shall be established by virtue of this act, or in which the relief of the poor is or shall be under the management of guardians, governors, or directors appointed by virtue of special or local acts, such justice shall not proceed therein, or take cognizance thereof, unless it shall be proved on oath before him, that application for such relief hath been first made to and refused by the select vestry, or by such guardians, governors, or directors; and in such case the justice to whom the complaint shall be made may summon the overseers of the poor, or any of them, to appear before any two of His Majesty's justices of the peace, to answer the complaint; and if upon the hearing thereof it shall be proved on oath, to the satisfaction of the justices who shall hear the same, that the party complaining, or on whose behalf the complaint shall be made, is in need of relief, and that adequate relief hath been refused by the select vestry, or by such guardians, governors, or directors, or that such select vestry shall not have assembled as by this act directed, it shall be lawful for such justices to make an order, under their hands and seals, for such relief as they in their just and proper discretion shall think necessary (reference being also had by such justices to the character and conduct of the applicant); provided that in every such order the special cause of granting the relief thereby directed shall be expressly stated, and that no such order shall be given for or extend to any longer time than one

th from the date thereof: Provided, that it shall be law- One justice
or any justice to make an order for relief in any case of may order
nt necessity to be specified in such order, so as such order temporary
remain in force only until the assembling of the select relief in cases
y of the parish, or of such guardians, governors, or di- of urgent
ors as aforesaid, to which such case shall relate. necessity.

1. And be it further enacted, That every select vestry, to Minutes to be
established by the authority of this act, shall cause minutes kept of the
s fairly entered in books, to be for that purpose provided, proceedings
all their meetings, proceedings, resolutions, orders, and of select ves-
ctions, and of all sums received, applied, and expended tries.
their direction; and such minutes shall from time to time Minutes of
igned by the chairman, and shall, together with a sum- select ves-
y or report of the accounts and transactions of the select tries, and re-
ry, be laid before the inhabitants of the parish in general ports of their
y assembled, twice in every year; that is to say, in the proceedings,
th of *March* and in the month of *October*, and at such to be laid
r times as the select vestry shall think fit; and the mi- before the in-
s, proceedings, accounts, and reports of every select vestry hab tants in
l belong to the parish, and be preserved with the other general ves-
ts, documents, accounts, and public papers thereof. try.

2. Provided, and be it further enacted, That the church- Notice to be
lens and overseers of the poor shall cause ten days' notice, given of ves-
e least, to be publicly given, in the usual manner, of tries for the
y vestry to be holden for the purpose of establishing an establish-
t vestry, or of nominating and electing the members, or ment and
member thereof, and of every vestry to be holden for the election of
use of receiving the report of the select vestry; and members, and
y notice of any such vestry shall state the special purpose for receiving
of. reports of se-
lect vestries.

3. And be it further enacted, That every order to be made, Every order
the first day of *May* next, for the relief of any poor for relief, in
m, by the churchwardens and overseers of the poor of parishes not
parish not having a select vestry, under the authority of having a se-
act, shall be made by two or more justices, who shall, in lect vestry,
ag every such order, take into their consideration shall be made
eter and conduct of the person applying for relief; pro- by two or
that in every such order the special cause of granting more jus-
dief thereby directed shall be expressly stated, and that tices;
ch order shall be given for or extend to any longer time
one month from the date thereof: Provided also, that in except in
of emergency and urgent distress it shall be lawful for cases of
justice to order such relief as the case shall require, stating emergency.
order the circumstances of the case; but no such last- Limitation of
oned order shall entitle any person to claim relief by order.

resident overseers.

sessions for the appointment of overseers of the the nomination and at the request of the inhabi parish in vestry assembled, to appoint any pers be assessed to the relief of the poor thereof, an householder resident within two miles from th chapel of such parish, or where there shall be chapel, shall be resident within one mile from t of such parish, to be an overseer of the poor ther the person so to be appointed shall not be an house the parish of which he shall be so appointed an o poor, and it shall be sufficient, in every such app describe the person appointed by his name and re vided that no person shall be appointed to, or b to serve, the office of overseer of the poor of place in which he shall not be a householder, u have consented to such appointment.

Assistant overseer may be appointed.

VII. And be it further enacted, That it shall the inhabitants of any parish in vestry assemble and elect any discreet person or persons to be seer or overseers of the poor of such parish, mine and specify the duties to be by him or and performed, and to fix such yearly salary tion of the said office as shall by such inhabi be thought fit; and it shall be lawful for an Majesty's justices of the peace, and they ar powered, by warrant under their hands and ses any person or persons who shall be so nominat to be assistant overseer or overseers of the purposes, and with such salary, as shall have the inhabitants in vestry; and such salary sh of the money raised for the relief of the poor and in such manner as shall have been agreed

of the poor; and every person or persons so appointed shall continue to be an assistant overseer of the poor until he or they shall resign such office, or until his or their appointment shall be revoked by the inhabitants of the parish vestry assembled, and no longer; and it shall be lawful for the inhabitants of any parish, upon the nomination and election by them of an assistant overseer or overseers, to require and take security for the faithful execution of his or their office, by bond, with or without a surety or sureties, in such penalty as they shall think fit; and every such security shall be made to the churchwardens and overseers of the poor, and may, on any breach of the condition thereof, be put in suit by and in the names of the churchwardens and overseers of the poor for the time being, by the direction of the vestry or select vestry, for the benefit of the parish, in the manner hereinafter provided.

Security may be taken.

VIII. And be it further enacted, That in any parish not having a workhouse for the poor thereof, or where the workhouse shall be found insufficient or inconvenient, it shall be lawful for the churchwardens and overseers of the poor, by the direction of the inhabitants in vestry assembled, to erect and build in such parish a suitable workhouse, or to alter and enlarge any messuage or tenement belonging to such parish for that purpose, and to purchase or take on lease any ground within the parish for the purpose of such building, or for enlarging any such other messuage or tenement belonging to such parish for that purpose; or such churchwardens and overseers may and they are hereby authorized to add to and enlarge any such insufficient workhouse, as the inhabitants of the parish in vestry shall think fit and lawful.

Power to build or enlarge workhouses.

IX. And whereas it would be advisable to enable parishes to sell and dispose of their present workhouses, or any other houses or tenements belonging to such parishes, in which where the same are insufficient and incapable of being repaired or used as workhouses, and to apply the produce thereof in aid of building new workhouses; be it therefore enacted, That it shall and may be lawful for the churchwardens and overseers of the poor of any parish, and they are hereby authorized, by the direction of the inhabitants in vestry assembled, and with the consent of two justices to be named under their hands, to sell and dispose of any workhouse, or any other houses or tenements belonging to such parish, which shall be found to be insufficient or unfit for the purpose, with the site thereof, and the outhouses, messuages, yards, and gardens thereto belonging, for the best

Workhouses insufficient may be sold.

price and prices that can be reasonably obtained, convey and assure the same to the purchaser or purchaser's heirs, his, her, or their heirs and assigns, or as he or they shall direct, and to apply the produce of such sale after deducting the reasonable expences thereof, towards the purchase or building of a new workhouse, or in or towards the payment of any money to be borrowed under the authority of this act, as the inhabitants in vestry shall direct.

Where no poorhouse, &c. can be procured in the parish, adjoining parish may be resorted to.

X. And whereas there may be parishes in which a sufficient poorhouse or workhouse can be procured for the accommodation of the poor thereof; be it further enacted, That it shall and may be lawful for the churchwardens and overseers of the poor of every such parish, by the authority of the inhabitants thereof in vestry assembled, to purchase or hire any suitable and convenient house or houses, lands or buildings, for that purpose, in any adjoining parish, with the consent of two or more justices, such consent to be written upon or annexed to the agreement for purchase or hiring such house or houses, building or buildings: Provided always, that no such house or building shall be situated more than three miles from the parish for which the same shall be purchased or hired.

Which building as to settlement shall be in the parish so purchasing or hiring.

XI. And be it further enacted, That every house or building which shall be so purchased or hired shall be used for the settlement of persons born or bred therein, be deemed and taken to be part of the parish on behalf of which the same shall be purchased or hired, and by which the same shall be used as a poorhouse or workhouse.

Parishes may provide land for the employment of the poor,

XII. And whereas by an act passed in the fourth year of the reign of Queen *Elizabeth*, the churchwardens and overseers of the poor are directed to set to work such persons therein described: And whereas by the laws made since that time sufficient powers are not given to the churchwardens and overseers to enable them to keep such persons constantly employed; be it further enacted, That it shall be lawful for the churchwardens and overseers of the poor of any parish, with the consent of the inhabitants thereof in vestry assembled, to take into their hands any land or tenement which shall belong to such parish, or to the churchwardens and overseers of the poor of such parish, or to the purchase thereof, or to hire and take on lease, and on account of the parish, any suitable portions of land within or near to such parish, not exceeding twenty acres in the whole, and to employ and set to work the cultivation of such land, on account of the parish.

not exceeding twenty acres;

such persons as by law they are directed to set to work; and to pay to such of the poor persons so employed as shall not be supported by the parish reasonable wages for their work; and the poor persons so employed shall have such and the like remedies for the recovery of their wages, and shall be subject to such and the like punishment for misbehaviour in their employment, as other labourers in husbandry are by law entitled and subject to.

XIII. Provided, and be it further enacted, That for the promotion of industry amongst the poor, it shall be lawful for the churchwardens and overseers of the poor of any parish, with the consent of the inhabitants in vestry assembled, to let any portion and portions of such parish land as aforesaid, or of the land to be so purchased or taken on account of the parish, to any poor and industrious inhabitant of the parish, to be by him or her occupied and cultivated on his or her own account, and for his or her own benefit, at a reasonable rent, and for such term as shall by the inhabitants in vestry be fixed and determined.

and may let portions of land to poor inhabitants.

XIV. Provided, and be it further enacted, That no sum exceeding the amount of a rate or assessment at one shilling in the pound upon the annual value of the property in any parish assessable to the rates for the relief of the poor, shall be raised, expended, or applied in any one year, in purchasing, building, and repairing any buildings or land by the act authorized to be purchased, taken, built, or repaired, and in fitting up and preparing, and furnishing such buildings, and in stocking such land, or for any one or more of such purposes or objects, unless the major part of the inhabitants and occupiers assessed to the relief of the poor, in vestry assembled, shall consent thereto, nor until two-thirds in value of all the inhabitants and occupiers so assessed aforesaid (whether present in vestry or not), shall have signed their consent thereto in the vestry or parish book.

Limiting the amount to be raised for buildings and the purchase of lands, &c.

XV. And be it further enacted, That in every case where the inhabitants of any parish shall, in manner aforesaid, consent that a greater sum than the amount of a rate or assessment of one shilling in the pound will raise, shall be expended one year for all or any of such purposes and objects, it shall be lawful for the churchwardens and overseers of the poor of such parish, with the consent of such majority as aforesaid of the inhabitants and occupiers thereof, to be given and signed in the manner herein-before directed (after the rate or rates at or amounting to one shilling in the

Power to raise further sums by loans, or by the sale of annuities.

Future rates
charged with
loans and
annuities.

pound shall have been actually levied and applied for such purposes, or some of them), to raise any additional sum or sums, by loan, or by sale of an annuity or of annuities on any life or lives, not being under the age of fifty years respectively, or for any certain term not exceeding fifteen years, so as the whole sum to be raised for all or any of such purposes by loan, and by the sale of annuities, or by either of such means, shall not be more than five shillings in the pound of or upon the true annual value of the property which shall in such parish be assessed to the poor's rates (every proposal for any such annuity being first stated to and approved by the inhabitants and occupiers of such parish vestry assembled); and the churchwardens and overseers of the poor shall and they are hereby authorized, in the name, and on the behalf of the inhabitants of the parish, to sign and execute securities for the money which shall be so borrowed, and for the annuities to be so granted; and by every such security to charge the produce of the future rates to be made for the relief of the poor of every such parish with the repayment of the principal sum which shall have been so borrowed, and the interest thereof, or with the payment of the annuity thereby granted (as the case may be), at and upon the days and times, and in such manner and proportions, as in and by the security for every such loan and annuity respectively shall be appointed and expressed for the payment thereof; and the money to be raised by such future rates shall be subject and liable to the payment of every such loan and the interest thereof, and of every such annuity accordingly.

No greater
rate than 1s.
in the pound
shall be
charged on
future rates
unless with
consent of
two-thirds in
value of the
proprietors of
premises.

XVI. Provided nevertheless, and be it enacted, That no greater sum in the whole than the amount of a rate or assessment at one shilling in the pound, shall in any parish be charged upon the future rates thereof, unless two third parts in value of the proprietors of messuages, lands, and tenements within such parish (whether for estates of freehold or copyhold, or by virtue of leases for terms of not less than fifteen years absolute or determinable upon a life or lives) shall have consented to raise the money for which the charge or security shall purport to be made; such consents to be given by writing under the hands of all persons and corporations sole, and the consent of every corporation aggregate under the hand of the president, head, or chief member thereof, for the time being, and the consents of females covert, minors, insane persons, and persons out of the kingdom, by and under the hands of their respective husbands, guardians, committees, trustees, attornies, or agents, who are respectively authorized to give such consents, and the consent of the major part of the tru-

ties for any charitable or other purpose shall be sufficient in respect of the trust estates.

XVII. And be it further enacted, That all buildings, lands, and hereditaments, which shall be purchased, hired, or taken on lease by the churchwardens and overseers of the poor of any parish, by the authority and for any of the purposes of this act, shall be conveyed, demised, and assured to the churchwardens and overseers of the poor of every such parish respectively, and their successors, in trust for the parish; and such churchwardens and overseers of the poor and their successors, shall and may and they are hereby empowered to accept, take, and hold, in the nature of a body corporate, for and on behalf of the parish, all such buildings, lands, and hereditaments, and also all other buildings, lands, and hereditaments belonging to such parish; and in all actions, suits, indictments, and other proceedings for or in relation to any such buildings, land, or hereditaments, or the rent thereof, or for or in relation to any other buildings, lands, or hereditaments belonging to such parish, or the rent thereof, and in all actions and proceedings upon or in relation to any bond to be given for the faithful execution of the office of an assistant overseer, it shall be sufficient to name the churchwardens and overseers of the poor for the time being, describing them as the churchwardens and overseers of the poor of the parish for which they shall act, and naming such parish; and in any action or suit, indictment or other proceeding, shall cease, abate, or be discontinued, quashed, defeated, or impeded, by the death of the churchwardens and overseers named in such proceeding, or the deaths or death of any of them, or by their removal or the removal of any of them from, or the expiration of, their respective offices.

Churchwardens and overseers may take an sue as bodies corporate.

XVIII. And it is hereby further enacted, That the clauses, powers, provisions, and directions contained in an act passed in the twenty-second year of His present Majesty's reign, intituled, *An act for the relief and employment of the poor*, for the purpose of enabling bodies politic and corporate, trustees, guardians and incapacitated persons, to contract for the sale of and to convey and lease lands, tenements, and hereditaments, for the purposes in that act expressed, and for and with regard to the payment and application of the purchase money to be paid for the lands, tenements, and hereditaments, to be purchased by virtue of the said act, shall extend and be applied to all lands, tenements, and hereditaments, to be purchased, hired, or taken for the purposes and under the authority of this act, and to the payment and application of the purchase money for the same, as fully and effectually, to

Incapacitated persons empowered to convey.

Powers and directions of 22 G. 3. c. 18 as to sales, &c. applied to this act.

all intents and purposes, as if such clauses, powers, provisions, and directions were herein repeated and contained, were hereby expressly enacted and applied to lands and buildings to be purchased and taken on lease for any of the purposes of this act.

Power to rate
owners of cer-
tain houses
instead of the
occupiers.

XIX. And whereas in many parishes, and more especially in large and populous towns, the payment of the poor's rates is greatly evaded, by reason that great numbers of houses within such parishes are let out in lodgings, or in separate apartments, or for short terms, or are let to tenants who quit their residences or become insolvent before the rates charged on them can be collected; and it hath been found that in many instances the persons letting such houses do actually charge and receive much higher rents for the same upon the ground and expectation that the occupiers thereof cannot be effectually assessed to the poor's rates, and will not be charged with or required to pay such rates, and do thereby obtain an undue advantage to themselves, and by means of the premises the other inhabitants of such parishes are unjustly compelled to pay much more than their fair and due proportions of the charges of relieving and maintaining the poor; for remedy thereof, be it further enacted, That from and after the first day of *January* one thousand eight hundred and twenty, it shall be lawful for the inhabitants of any parish, in vestry assembled, and they are hereby empowered, to resolve and direct that the owner or owners of all houses, apartments, or dwellings in such parishes, being the immediate lessor or lessors of the actual occupier or occupiers, which shall respectively be let to the occupiers thereof at any rent or rate not exceeding twenty pounds nor less than six pounds by the year, for any less term than one year, or on any agreement by which the rent shall be reserved or made payable at any shorter period than three months, shall be assessed to the rates for the relief of the poor, for or in respect of such houses, apartments, or dwellings, and the outhouses and curtilages thereof, instead of the actual occupiers; and the inhabitants so assembled in vestry may and they are hereby authorized from time to time to rescind, renew, vary, and amend every such resolution and direction as they shall see occasion, so as no such resolution or direction shall extend to assess or charge the owner of any house, apartment, or dwelling which shall, with the outhouses and curtilages thereof, be let at a greater rent than twenty pounds or less than six pounds as aforesaid; and the churchwardens and overseers of the poor of every such parish are hereby empowered and required to carry into effect all such resolutions and directions of the inhabitants in vestry assembled, and in pursuance

and execution thereof, in all rates to be by them made for the relief of the poor, to assess by a fair and equal pound rate the owner or owners, being the immediate lessor or lessors of the actual occupier or occupiers of every house, apartment, or dwelling to which such resolution and direction shall extend, for or in respect of the same, according to the actual rent at which every such house, apartment, or dwelling shall be let, after making a reasonable deduction from such rent, not exceeding in any case one half of the same; and upon payment of the sum or sums so to be assessed, the same shall be levied upon, and the payment thereof be enforced against, such owner and owners, lessor and lessors, to be assessed, and his and their goods and chattels, in like manner as rates for the relief of the poor may by law be levied and recovered, and the payment thereof enforced, and against any actual occupier on whom the same are levied.

IX. Provided also, and be it further enacted, That the goods and chattels of every occupier of any such house, apartment, or dwelling, which shall be found in and about the same, shall be liable to be distrained and sold for raising much of any such rate or assessment being in arrear, as shall have become due during the occupancy of the person or persons whose goods and chattels shall be so distrained (to be returned in a summary way by the justices granting the warrant of distress), so that in no case any greater sum be levied by distress of the goods and chattels of any such occupier, than shall, at the time of making such distress, be actually due from such occupier for rent of the premises on which a distress shall be made: Provided also, that every occupier who shall pay any such rate or rates, or upon whose goods or chattels the same or any part thereof shall be levied, shall and may deduct the amount of the sum which shall be paid or levied out of the rent by him or them payable; such payment shall be a sufficient discharge to every such occupier for so much of the rent payable by him as he shall have paid, or as shall have been levied on his goods and chattels, of such rate, and for the costs of levying the same.

Goods of occupiers may be distrained for rates to the amount of the rent actually due.

Occupiers paying rates empowered to deduct the amount out of their rent.

XI. Provided, and be it further enacted, That every person receiving or claiming the rent of any such house, apartment, or dwelling, for his or her own use, or receiving the same for the use of any corporation aggregate, or of any lord or lessor who shall be a minor, under coverture, or feme sole, or for the use of any person who shall not be usually resident within twenty miles from the parish in which any such house, apartment, or dwelling shall be situated, shall

Receivers in certain cases may be rated as owners.

for this purpose be deemed and taken to be and shall be rateable as the owner thereof.

Persons rated
as owners
may appeal;

and may vote
in vestries.

XXII. Provided also, and be it further enacted, That every person to be rated as the owner of any such house, apartment, or dwelling, who shall think himself or herself aggrieved by any such rate, shall have such and the like remedy by appeal against the same, as any other person thereby rated; and every person so rated shall be entitled, as an inhabitant of the parish in and for which he shall be assessed, to be present and to vote in every vestry or meeting of the inhabitants thereof, for the execution of the laws for the relief of the poor, or for the consideration of any matter or question in relation thereto, in like manner as the inhabitants of the said parish.

No owner,
not being an
occupier, to
be rated in
places where
the right of
voting for
members to
serve in par-
liament de-
pends on the
rating.

XXIII. Provided, and be it further enacted, That nothing in this act contained shall extend or be construed to extend to give any power or authority to assess the owner (not being the occupier) of any house, apartment, or dwelling, in any city, borough, or town corporate, in which the right of voting for the election of members to serve in parliament shall depend upon the assessment of the voter to the poor's rate, or to vary or affect the manner of assessing and charging any of the inhabitants or occupiers of houses, lands, or tenements, within any such city, borough, or town corporate.

Justices em-
powered, in
certain cases,
to deliver the
possession of
parish houses
to overseers.

XXIV. And whereas difficulties having frequently arisen, and considerable expences have sometimes been incurred, by reason of the refusal of persons who have been permitted to occupy, or who have intruded themselves into parish or town houses, or other tenements or dwellings built or provided for the habitation of the poor, or otherwise belonging to such parishes, to deliver up the possession of such houses, tenements, or dwellings, when thereto required; and it is expedient to provide a remedy for the same; be it further enacted, That if any person who shall have been permitted to occupy any parish or town house, or any other tenement or dwelling belonging to or provided by or at the charge of any parish, for the habitation of the poor thereof, or who shall have unlawfully intruded himself or herself into any such house, tenement, or dwelling, or into any house, tenement, or hereditament belonging to such parish, shall refuse or neglect to quit the same, and deliver up the possession thereof to the churchwardens and overseers of the poor of any such parish, within one month after notice and demand in writing for that purpose, signed by such churchwardens and overseers, or the major part of them, shall have been delivered to the person is

possession, or in his or her absence affixed on some notorious part of the premises, it shall be lawful for any two of His Majesty's justices of the peace, upon complaint to them made by one or more of the churchwardens and overseers of the poor of the parish in which any such house, tenement, or dwelling shall be situated, to issue their summons to the person against whom such complaint shall be made, to appear before such justices, at a time and place to be appointed by them, and to cause such summons to be delivered to the party against whom the complaint shall be made, or in his or her absence to be affixed on the premises, seven days at the least before the time appointed for hearing such complaint; and such justices are hereby empowered and required, upon the appearance of the defendant, or upon proof on oath that such summons hath been delivered or affixed as is hereby directed, to proceed to hear and determine the matter of such complaint, and if they shall find and adjudge the same to be true, then by warrant under their hands and seals, to cause possession of the premises in question to be delivered to the churchwardens and overseers of the poor of the parish, or to some of them.

Mode of proceeding.

XXV. And be it further enacted, That if any person to whom any land appropriated, purchased, or taken under the authority of this act, for the employment of the poor of any parish, or to whom any other lands belonging to such parish, or to the churchwardens and overseers thereof, or to either of them, shall have been let for his or her own occupation, shall refuse to quit and to deliver up the possession hereof to the churchwardens and overseers of the poor of such parish, at the expiration of the term for which the same shall have been demised or let to him or her; or if any person or persons shall unlawfully enter upon, or take or hold possession of any such land, or any other land or hereditaments belonging to such parish, or to the churchwardens or overseers, or to either of them, it shall be lawful for such churchwardens and overseers of the poor, or any of them, after such notice and demand of possession as is by this act directed in the case of parish houses, to exhibit a complaint against the person or persons in possession of such land before two of His Majesty's justices of the peace, who are hereby authorized and required to proceed thereon, and to hear and determine the matter thereof, and if they shall find and adjudge the same to be true, to cause possession of such land to be delivered to the churchwardens and overseers of the poor, or some of them, in such and the like course and manner as are by this act directed with regard to parish houses.

Justices empowered to deliver possession of land appropriated to the poor.

Justices in
petty sessions
empowered
to order relief
by parents,
&c. as justices
in quarter
sessions by
43 Eliz. c. 2.

XXVI. And whereas by the said act passed in the forty-third year of the reign of Queen *Elizabeth*, for the relief of the poor, it was enacted, that the father and grandfather, and the mother and grandmother, and the children of every poor, old, blind, lame, and impotent person, or other poor person, not able to work, being of a sufficient ability, shall at their own charges relieve and maintain every such poor person, in that manner and according to that rate as by the justices of the peace of that county where such sufficient persons dwell, or the greater number of them at their general quarter sessions, shall be assessed: and whereas it is expedient to extend the power which is by the said act given to justices in their general quarter sessions to justices in petty sessions; be it further enacted, That it shall be lawful for any two or more of His Majesty's justices of the peace for the county or other jurisdiction in which any such sufficient person shall dwell, and they are hereby empowered, in any petty session, to make such assessment and order for the relief of every poor, old, blind, lame, impotent, or other poor person not able to work, upon and by the father, grandfather, mother, grandmother, or child (being of sufficient ability) of every such poor person, as may by virtue of the said act be made by the justices in their general quarter sessions; and that every such assessment and order of two or more justices in any petty sessions shall have the like force and effect, as if the same were made by the justices in their general quarter sessions; and the disobedience thereof shall be punishable in like manner.

22 G. 3. c. 83.
Cases in
which relief
may be or-
dered by in-
corporated
parishes
without pre-
vious appli-
cation to the
visitor.

XXVII. And whereas by the said act passed in the twenty-second year of His present Majesty's reign, for the better relief and employment of the poor, it is enacted, with regard to parishes which have adopted the provisions thereof, and for which a visitor shall have been appointed, that no guardian of the poor shall be summoned to appear before any justice of the peace, upon complaint or application to such justice for the relief of any poor person, unless application shall have been first made by the person so complaining to the guardian, and upon his refusal of redress to the visitor; and whereas in many cases, by reason of the absence of the visitor, or the distance of his residence, it may not be in the power of the complainant to make the application by the said act required; for remedy thereof be it further enacted, That if it shall be made to appear to any justice to whom any such complaint or application for relief shall be made, that the visitor of the parish or united parishes from which relief shall be sought is absent from home, or is resident more than six miles from the place of abode of the complainant, and that

application for relief hath been made to the guardian, and hath been refused, it shall be lawful for such justice to summon the guardian to appear before him to answer such complaint, and to proceed thereon and make such order therein as the case shall require, in like manner as in cases where application hath been made to the visitor in the manner by the said act directed.

XXVIII. And be it further enacted, That it shall be lawful for any justice of the peace to take in writing the examination on oath of any person having a wife or child, who shall be a prisoner in any gaol or house of correction, or in the custody of the keeper of any such gaol or house of correction, or who shall be in the custody of any constable or other peace officer, by virtue of any warrant of commitment, touching the place of his or her last legal settlement; and such examination shall be signed by such justice taking the same, and shall be received and admitted in evidence as to such settlement before any justices, for the purpose of any order of removal, so long only as the person so examined shall continue a prisoner.

Examination of prisoners as to their settlements made evidence.

XXIX. And whereas it is expedient to discourage that reliance upon the poor's rates which frequently induces artizans, labourers, and others, to squander away earnings which would with suitable care have afforded sufficient means for the support of their families; be it further enacted, That whenever it shall appear to the justices, or to the general or select vestry, or to such guardians, governors, or directors as aforesaid, or to the overseers of the poor, to whom application shall be made for relief for any poor person, that he might, but for his extravagance, neglect, or wilful misconduct, have been able to maintain himself, or to support his family (as the case may be), it shall be lawful for the overseers of the poor (by the direction of the justices, or of the general or select vestry, or of such guardians, governors, or directors, where application shall have been made to them respectively), to advance money weekly or otherwise as may be requisite, to the person so applying, by way of loan only, and to take his receipt for and engagement to repay every sum to be so advanced (for which no stamp duty shall be required); and it shall be lawful for any two justices, upon the application (within one year after any such loan or loans) of one or more of the overseers of the poor for the time being of the parish, to summon the person to whom any money shall have been so advanced; and if, upon examination by such justices into his circumstances, it shall appear to them that such person is able, by weekly instalments or otherwise, to repay the whole or any part of the money so advanced to him, and for which he

Overseers empowered in certain cases to give relief by way of loan only.

shall have given any such receipt and engagement, it is lawful for such justices to make an order under their seals for the repayment of the whole or of any such money, at such time and times and in such proper and manner as they shall think fit; and upon every demand for payment, by their warrant to commit such person to the common gaol or house of correction, for any time not exceeding three calendar months, unless the sum and sums which shall be due and payable by virtue of such order shall be paid.

Pensions for service in the navy, army, &c. may be assigned in certain cases for the indemnity of parishes.

XXX. And be it further enacted, That when any person is entitled to or in receipt of any pension, superannuation or other allowance in respect of his service in the navy, marines, army, or ordnance, shall apply to any parish for relief, for himself, or for his wife or family, it shall be the duty of the churchwardens and overseers of the poor to the pensioner or other person applying for relief, be the same shall be granted, to assign to them the next quarterly or other payment or allowance which shall become payable to him, to the intent that they may receive the same, and for the use of the parish so much thereof as shall be advanced for the relief of such pensioner, or person, or of his wife or family residing with him in such parish, and it shall also be lawful for the churchwardens and overseers of the poor of any parish, at the request of any person entitled to or in the receipt of any such pension, superannuation, or other allowance, to advance for his or the support of his family, any weekly sum not exceeding the rate of his pension or allowance, to be repaid by the next quarterly or other payment of such pension or allowance, and to take an assignment thereof by way of mortgage for the money so to be advanced, any thing in any act to the contrary notwithstanding; and every assignment made of any such pension, superannuation, or allowance for the purposes of this act, shall be exempt from stamp duty, and shall be in the form or to the effect following; to say,

Form of assignment.]

‘ I [*naming the pensioner, or other applicant, and stating particulars as shall be requisite*] do hereby assign to the churchwardens and overseers of the poor of the parish of _____ the next payment of the _____
 ‘ at the rate of _____ per annum
 ‘ *as the case may be*] granted to me as _____
 ‘ and payable from _____ in or out of _____
 ‘ cure to the said parish of _____
 ‘ repayment of the sum of _____

I to me, [or, of the weekly sum of
ordered or agreed to be advanced to me, as
may be] by such churchwardens and overseers.

and by the above-named
before me, one of His Majesty's jus-
tices of the peace for
his day of

such assignment, attested by one of His Majesty's
the peace, of any quarterly or other payment pay-
e commissioners for the affairs of the royal hospi-
tals or Greenwich, or by the paymaster of the royal
or the treasurer of the board of ordnance respec-
tively made as aforesaid to the churchwardens and over-
seers of the poor of any parish, shall be transmitted by such
clerk or overseer, at least one month before such
shall become due, under cover, addressed to the pay-
master of His Majesty's forces, with the words "*Chel-
ssea*" written thereon, or to the paymaster of pen-
sioners at Greenwich Hospital, with the words "*Greenwich Pen-
sioner*" written thereon, or to the paymaster of the royal ma-
rines with the words "*Royal Marines Pensioner*" written
or to the secretary to the board of ordnance, with

"Ordinance Pensioner" written thereon; who shall
respectively cause the said payment to be made to
churchwardens or overseers of the poor of the parish for
the security the assignment shall have been made, in the
event as the said payment would have been made to
the churchwardens or overseers, if no such assignment had been
made; and such churchwardens and overseers, or any one or
more of them, are and is hereby authorized to receive the
said payment to retain thereout for the use of the parish so much
as may have been advanced and paid on security thereof, and
to pay the residue (if any there shall be) to the pen-
sioner by whom such assignment shall have been
made; and if any question shall arise between the pensioner
making any such assignment and the churchwardens
or overseers of the poor of any parish, touching the amount
of the same due and payable to them by virtue of any such
assignment, the same shall be determined in a summary way,
by the order of His Majesty's justices of the peace, and his order
of appointment therein shall be final and conclusive: pro-
vided that no such assignment shall entitle the churchwardens
or overseers to whom the same shall be made, to receive the
said allowance purporting to be thereby assigned, if the
pensioner making the same shall die before the time when such
allowance would have become payable to him, or if no such
assignment thereof had been made.

The pension
assigned to
be paid to
churchwar-
dens, &c.

Assignments
of pensions
to become
void by the
death of the
pensioner be-
fore the day
of payment.

Justices may order payment to overseers of the pensions, &c. of persons leaving their families chargeable.

XXXI. And be it further enacted, That when pensioner, or other person entitled to or in receipt of pension or other allowance as aforesaid, shall leave or family chargeable, or suffer them to become chargeable to any parish, it shall be lawful for two or more upon complaint thereof to them made by any one of the churchwardens and overseers of the poor of the parish, and verified on oath, by order under their seals, to direct that the next payment which shall be due of such pension or other allowance shall be made by the churchwardens and overseers of the poor of the parish, which such wife or family shall have become chargeable, and any one or more of such churchwardens and overseers of the poor shall transmit such order to the aforesaid pensioners for the affairs of the royal hospitals at *Greenwich*, or the secretary of the board of ordnance, respectively, in like manner as any assignment is here directed to be transmitted to the paymaster-general of Majesty's forces, and the paymaster of pensions at *Greenwich*, the paymaster of the royal marines, and the paymaster of the board of ordnance, as the case may be; and the paymaster-general, or paymaster of pensions at *Greenwich*, or the treasurer of the board of ordnance, shall thereupon and upon sufficient proof being given that the person entitled to such pension or other allowances shall be directed to be paid, have been living when the same shall become payable, would have been entitled to receive the same if such order had been made, cause the same payment to be made to the churchwardens and overseers of the poor of the parish for whose security such order shall have been made, and the churchwardens and overseers of the poor shall receive such pension or other allowance by virtue of any such order, and shall retain and apply the same, or so much thereof as shall have been actually expended for the purposes aforesaid, to the use and indemnity of the parish, and shall pay the balance (if any there shall be) to the pensioner or person entitled thereto; and upon the receipt of any such order as aforesaid, by which the pension or other allowance mentioned therein shall be directed to be paid to such churchwardens and overseers as aforesaid, the payment of such pension shall be suspended, until sufficient proof shall have been given to entitle the churchwardens and overseers of the parish, in such order named, to receive the same, and thereby directed to be paid to them.

Justices empowered to order payment.

XXXII. And whereas in many instances the wives and families of seamen employed in the merchant service are chargeable to parishes, while their husbands are

absent on such service, and it is expedient to provide for indemnity of such parishes by and out of the wages of a seaman; be it therefore further enacted, That where wife or family of any seaman employed in any voyage or (not being His Majesty's service) shall, during his absence on such employment, become chargeable to any parish, shall be lawful for two justices, upon complaint thereof to be made by any one or more of the churchwardens and overseers of the poor of such parish, and verified on oath, to order under their hands and seals, to direct the acting owner or owners, ship's husband, or agent of the ship or vessel in which such seaman shall be employed, to pay, out of the wages which shall become due to such seaman, unto the churchwardens and overseers of the poor of the parish in which his wife or family shall have become chargeable, so much as shall have been by such parish necessarily expended for their maintenance or relief (the amount, in case of any dispute, to be ascertained by two justices, whose determination thereon shall be final); and upon the production of any such order, the owner, ship's husband, or agent, by whom the wages of the seamen therein to be named shall be payable, shall pay to such one or more of the churchwardens and overseers of the poor of the parish for whose indemnity such order shall have been made, as shall demand the same, the sum and sums to be therein specified and directed to be paid, or so much thereof as the wages then due shall amount unto; and the payment to and receipt of any such churchwarden or overseer shall be a good discharge for so much of such wages as shall be paid to them or him by virtue of any such order; and if any such owner, ship's husband, or agent, shall refuse or neglect to pay to the churchwarden or overseer producing any such order, the money thereby directed to be paid, or so much thereof as shall be actually due for the wages of the seaman to be therein named, the same may be levied and recovered, and the payment thereof enforced, against the owner or owners, ship's husband, or agent, by whom the same shall be payable, in such and the same manner as poor's rates in arrear may be levied and recovered, and the payment thereof enforced, against the parishes and persons chargeable and charged therewith: Provided always, that nothing herein contained shall authorize or compel the payment of any sum or sums of money by any acting owner or owners, ship's husband or agent, until a voyage in which the vessel shall be so engaged shall be completed, nor beyond the sum that shall be then actually due to such seamen, by such acting owner or owners, ship's husband or agent, as wages or otherwise.

ment of seamen's wages for the indemnity of parishes.

Power to re-
move charge-
able poor
born in Scot-
land, Ireland,
&c. although
they have not
committed
any act of
vagrancy.

XXXIII. And whereas poor persons born in *Scotland*, and in the isles of *Man*, *Jersey*, and *Guernsey*, ly become chargeable to parishes in *England*, and no is made for the removal of any such poor person, or she shall have committed some act of vagrancy, be adjudged to be a rogue and vagabond; and no adjudged can be lawfully removed without having publicly whipped or imprisoned in the house of co And whereas it is expedient to authorize the re such poor persons, although they may not have c any act of vagrancy, and to authorize justices of the cause such of them as may be adjudged to be ro vagabonds, to be conveyed by a pass, without hav first whipped or imprisoned; be it therefore further That it shall be lawful for two justices of the peace, are hereby required, upon the complaint of the ch dens and overseers of the poor of any parish, that son born in *Scotland* or in *Ireland*, or in either of th *Man*, *Jersey*, and *Guernsey*, hath become chargeable parish, by himself or herself, or his or her family, such person to be brought before them, and to exam person, and any other witness or witnesses, on oath, the place of the birth or last legal settlement of e person; and to inquire whether he or she, or any her children, hath or have gained any settlement in of the united kingdom called *England*; and if it found by such justices, that the person so broug them was born in *Scotland* or *Ireland*, or in either of of *Man*, *Jersey*, or *Guernsey*, and hath not gained a ment in *England*, and that he or she hath actualy chargeable to the complaining parish, by himself or or his or her family, then such justices shall, and hereby empowered, by a pass under their hands a in the form or to the effect prescribed by the act the seventeenth year of the reign of His late Maje *George* the second, to amend the laws relating to ro vagabond (*mutatis mutandis*), to cause such poor p wife, and such of his or her children so chargeabl not have gained a settlement in *England*, to be re the place of his or her birth or last legal settlemen manner by the said act directed for the removal (and vagabonds to *Scotland* and *Ireland*, and the isles *Jersey*, and *Guernsey*; and all constables, and other and all masters of vessels, are hereby required to every person so to be passed in the manner by the directed for the conveyance of rogues and vagabonds

17 G. 2. c. 5.

Scotch and
Irish va-

XXXIV. And it is hereby further enacted, Tha

lawful for any justice of the peace, who shall adjudge any person born in *Scotland* or in *Ireland*, or in any of the isles of *Jersey*, and *Guernsey*, (and not having gained a settlement in *England*;) to be a rogue and vagabond, in his discretion, and according to the circumstances of the case, to order him to be whipped, or him or her to be imprisoned in the house of correction, as by the laws in being directed, before he or she shall be removed, or to cause a rogue and vagabond to be removed without having been whipped or imprisoned.

XXXV. And be it further enacted, That all powers and authorities by this act given to and vested in justices of the peace shall be exercised and executed by such justices within the limits of their respective commissions and jurisdictions, and not elsewhere; and that all provisions, clauses, authorities, and directions in this act contained, in relation to parishes, shall extend and be construed to extend to all parishes, and places having separate overseers of the poor, and maintaining their poor separately; and that all powers and duties required and authorized by this act to be done and executed by churchwardens and overseers of the poor, in every parish be performed, exercised, and executed by the major part of the churchwardens and overseers of the poor thereof; and that in townships, vills, and places which have no churchwarden, the same may be performed, exercised, and executed by the overseers of the poor thereof, and that all the powers, provisions, and clauses in this act contained, which relate to vestries, or to the inhabitants of any parish in vestry assembly, shall be construed to extend to all meetings of the inhabitants of any township, vill, or place having separate overseers of the poor, and maintaining its poor separately, to be held after due and legal notice for carrying into execution the laws for the relief of the poor, as fully as if in any such provision and clause they were severally and respectively named and repeated.

XXXVI. Provided, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to take away, abridge, alter, prejudice, or affect, other than is hereby expressly enacted, any of the powers, authorities, provisions, or regulations contained in the said act passed in the twenty-second year of His present Majesty's reign, for the better relief and employment of the poor, in relation with respect to such parishes, townships, and places as were adopted, or as shall adopt and become subject to the provisions of that act; nor to take away, abridge, alter, pre-

grants may be removed without being whipped or imprisoned.

Justices to act within their respective jurisdictions.

Provisions relating to parishes applied to townships, &c.

Majority to act.

Powers given to vestries applied to meetings of townships, &c.

Saving powers of 22 G. 3. c. 83, where the provisions are adopted.

Saving pow-

ere given by special acts. judice, or affect any of the powers or provisions of
 cial or local act or acts, for the maintenance, regulation of the poor in any city, town, hundred parish, or place, so nevertheless that in every city hundred, district, parish, or place, such of the directions, and powers in this act contained, as are pugniant to, nor incompatible with, the provision said act of the twenty-second year of His Majesty or of such respective special or local acts, shall like force and effect, and may be adopted and a like manner as in other parishes and places: Provi that nothing in this act contained shall extend, or strned to extend, to alter, affect, or disturb any sek which in any parish has been established and acted virtue of any ancient usage or custom.

Select ves-
tries.

Act extends
to England
only.

XXXVII. And be it further enacted, That this extend only to that part of the united kingdome *England*.

[59 Geo. 3. c. 28.]

An Act to empower Magistrates to divide the Court of Sessions. [19th May]

“Whereas the courts of quarter session, by reason of great increase of business therein, have of late been during many days, to the great delay of suitors, to the inconvenience of witnesses and jurors, and to the increase of county rates; and such inconvenience is likely to continue unless some remedy be provided for the same; And it would tend materially to remedy this inconvenience if more of the justices attending the quarter sessions be enabled to sit and proceed when occasion should require, while other justices should proceed in the discharge of the other business of the same court:” Be it therefore enacted by the King's most excellent Majesty, with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled by the authority of the same, That whenever and as any court of quarter session or general session of the peace shall be assembled for the dispatch of business thereon, the justices then present may, on the first day of such session or general session, take into their consideration the business likely to be brought before them at such session or general session; and if it shall appear to the

Courts of quarter sessions or general sessions of the peace may appoint two or more justices to form a court to sit apart from them.

business, if heard and determined by the whole court, is to occupy more than three days, including the day of its being so assembled, it shall and may be lawful for the justices to appoint two or more justices, one of whom shall be of the quorum, to sit apart from themselves in some room or near the court, there to hear and determine such cases as shall be referred to them, whilst others of the justices are at the same time proceeding in the dispatch of other business of the same court; and that the proceedings so had by and before such two or more justices so sitting shall be as good and effectual in the law to all intents and purposes as if the same were had before the court assembled and sitting as usual in its ordinary place of sitting, and shall be enrolled and recorded accordingly.

L. Provided always, and be it further enacted, That when two or more justices shall have sat apart in manner before directed by this act, and orders, rules, and regulations shall have been made for the apportionment of business, such orders, rules, and regulations shall remain and continue in force as shall be thought expedient, without the necessity of renewing such orders, rules, and regulations at each succeeding session, to the intent that the same may become public and better known to all professional and other persons engaged in any manner interested in the business of such quarter session.

Regulations made for the apportionment of business need not be renewed at each succeeding session.

II. And be it further enacted, That the clerk of the peace or his deputy (wherever two or more justices shall sit apart at any quarter session) shall be authorized and required to appoint a fit and sufficient person to record the proceedings so had before the justices sitting apart; and such proceedings shall be delivered over to the clerk of the peace, or his deputy, who shall be equally deemed to be a part of the records of the quarter session, as if the same proceedings had been recorded by the clerk of the peace himself; and it shall be lawful for the justices assembled at the quarter session to make an order on the treasurer of the county to pay to the clerk of the peace such sum or sums of money as they shall deem a fit and reasonable remuneration to the clerk of the peace for such services as aforesaid; and it shall be lawful for such justices to appoint an additional cryer, and to grant him such remuneration for his care and pains as they shall deem reasonable, which shall in like manner be paid by the treasurer of the county.

Clerk of the peace to appoint a person to record the proceedings of such separate court.

[59 Geo. 3. c. 50.]

An Act to amend the Laws respecting the Settlement of Poor, so far as regards renting Tenements.

[2d July

Settlement shall not be acquired by renting any tenement, except a house or land in the parish, of the actual annual value of 10*l.* hired and rented for a year.
See 6 G. 4. c. 57.

“Whereas many disputes and controversies have arisen respecting the settling of poor people, in parishes in England, by the renting of tenements;” Be it enacted by the most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act no person shall acquire a settlement in any parish or township maintaining their own poor in *England*, by or by reason of his or her hiring for forty days in any tenement rented by such person, unless such tenement shall consist of a house or building within such parish or township, being a separate and distinct dwelling-house or building, or of land within such parish or township, or of both, *bond fide* hired by such person at and for the term of ten pounds a year at the least, for the term of one year; nor unless such house or building shall be let for such land occupied and the rent for the same actually paid for the term of one whole year at the least, by the person hiring the same; nor unless the whole of such land shall be let within the same parish or township as the house when the person hiring such land shall dwell and inhabit; any thing in any act or acts, or any construction of or implication from any act or acts, or any usage or custom to the contrary in that behalf notwithstanding.

[59 Geo. 3. c. 85.]

An Act to amend and correct an Act of the last Session of Parliament, for the Regulation of Parish Vestries in England.

[7th July,

“Whereas an act was passed in the last session of parliament, intituled *An act for the regulation of parish vestries*, it is expedient to amend the same;” Be it enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

That from and after the passing of this act, any person shall be assessed and rated for the relief of the poor in respect of any annual rent, profit, or value arising from any lands, tenements, or hereditaments situate in any parish, in which any vestry shall be holden under the said recited act, though such person shall not reside in or be an inhabitant of such parish, shall and may lawfully be present at such vestry, and such person shall have and be entitled to give such number of votes at such vestry, in respect of the amount of such rent, profit, or value, as by the said act any inhabitant of such parish present at such vestry might or ought to have and be entitled to give in respect of such amount, and to all intents and purposes as if such person were an inhabitant of such parish; any thing in the said recited act to the contrary in anywise notwithstanding.

Persons rated to the poor, though not parishioners, may vote in vestry, according to the value of the premises rated.

And be it further enacted, That in all cases where any corporation, or body politic or corporate, or company, shall be charged to the rate for the relief of the poor of such parish, or in the name of such corporation or of any officer of the corporation, it shall and may be lawful for the clerk, secretary, steward, or other agent duly authorized for that purpose, of such corporation or body politic or corporate, or company, to be present at any vestry to be holden in the said parish under the said recited act; and such clerk, secretary, steward, or agent, shall be entitled to give such and so many votes at such vestry, in respect of the amount of the rent, profit, or value of such lands, tenements, or hereditaments, as by the said act any inhabitant assessed to such rate might at such vestry might or ought to have and be entitled to give in respect of such amount; any thing in the said recited act to the contrary in anywise notwithstanding.

Clerk or agent of corporation, &c. may vote in vestry, according to the value of the premises rated.

And whereas by the said act it was intended to be enacted that no person should be present at or vote at any vestry who should have refused to pay any assessment that had become due and had been demanded of such person, but the words 'and' was by mistake so inserted in the said act, as to make the same in that respect ambiguous; now, to rectify such mistake, be it further enacted, That no person who shall have refused or neglected to pay any rate for the relief of the poor, which shall be due from, and shall have been demanded of, shall be entitled to vote or to be present in any vestry of the parish for which such rate shall have been made, until he shall have paid the same; nor shall any such clerk, secretary, steward or agent, be entitled to be present or to vote, nor shall he be present or vote, at any vestry in such parish, until all rates for the relief of the poor, which shall have been

Non-payment of rates to disqualify from being present or voting in vestry.

assessed and charged upon or in respect of the any profit, or value, in right of which any such clerk, steward, or agent shall claim to be present and vote shall be due, and which shall have been demanded time before the meeting of such vestry, shall have and satisfied.

[59 Geo. 3. c. 95.]

An Act for confirming ancient Separations of Towns from Parishes, in regard to the Maintenance of the Poor
[12th Jul]

“Whereas various towns corporate or franchise within one or more parish or parishes, and not co- with the said parish or parishes, have heretofore a long time past been separately assessed from the parishes in which they are situate, for the relief of and overseers of the poor for such town or franchise appointed distinct and apart from the overseers of appointed for such parish or parishes: And whereas parate and distinct assessments and appointments of have, in many cases, been made without sufficient and yet, by reason of the long continuance of the said tion, the towns corporate or franchise cannot now b ted to the parish or parishes in which they are situate manifest inconvenience and hardship;” Be it enacted King’s most excellent Majesty, by and with the ad consent of the lords spiritual and temporal, and com this present parliament assembled, and by the author

Separation of towns from parishes, and distinct appointment of overseers, lawful.

43 Eliz. c. 2. But with respect to the poor, such separation must have commenced within sixty years.

same, That from and after the passing of this act all paration of towns corporate or franchises from the parishes in which they are situate, together with the and distinct appointment of overseers of the poor, deemed and taken to be lawful to all intents and whatsoever, in the same manner as if the said separation had taken place under the authority of an in the forty-third year of the reign of Queen Elizabeth I intituled: *An act for the relief of the poor*: Provide nevertheless, that nothing in this act contained shall legal or confirm any separation of a town corporate or franchise from the parish or parishes in which such town or franchise is situate, in respect to the maintenance of the poor or the appointment of overseers of the poor, in where it shall appear that such separation has not within sixty years before the passing of this act.

[59 Geo. 3. c. 127.]

*for making Provision for the better Care of Pauper
in England.* [12th July, 1819.]

[Repealed by 9 Geo. 4. c. 40. s. 1.]

[1 Geo. 4. c. 36.]

*for allowing Appeals from Towns Corporate and
in certain Cases, to the General or Quarter Sessions
of the Counties in which they are situate.*

[8th July, 1820.]

was by an act made in the seventeenth year of the
late Majesty King George the Second, intituled
remedying some defects in the Act made in the forty- 17 G. 2. c. 38.
of the reign of Queen Elizabeth, intituled 'Act for
the poor,' it is amongst other things provided, that
corporations or franchises which have not four justices
in, it shall and may be lawful for any of the person
in, in any of the cases mentioned or referred to by the
where power of appeal is given, to appeal, if he or
think fit, to the next general quarter sessions of the
the county, riding, or division wherein such corpo-
franchise is situate : And whereas it would conduce
to equal and impartial administration of justice, if
power of appeal were extended :'' Be it therefore enacted
by His most excellent Majesty, by and with the advice
and consent of the lords spiritual and temporal, and commons,
then present parliament assembled, and by the authority of
That from and after the passing of this act, in all
towns and franchises not having more than six justices
in, nor having jurisdiction or authority over two or
more parishes or wards contained within such corpo-
franchise, it shall and may be lawful for any person
in, in any of the cases mentioned or referred to by the
said acts, or either of them, where an appeal is given
in an act or acts, or either of them, to appeal, if he, she,
or they shall think fit, to the next general quarter sessions of
for the county, riding, or division wherein such
corporation or franchise is situate, in as ample manner as if
such corporation or franchise had not four justices of the

Allowing an
appeal from
corporations
and fran-
chises, not
having six
justices.

peace : Provided always that nothing herein contain
be deemed or taken to extend to any city or town co
being a county of itself.

[1 & 2 Geo. 4. c. 32.]

*An Act for declaring valid certain Indentures of Appren
and Certificates of Settlements of poor Persons in Eng*
[28th May

Certain in-
dentures and
certificates of
settlement
declared
valid.

“Whereas in divers parishes, townships, hamlets,
ries and places in *England*, for a long period of th
one churchwarden or chapelwarden has been annually
ed, where two or more churchwardens or chapelward
formerly been appointed for each of such parishes
ships, hamlets, chapelries, or places : And whereas d
dentures for the binding of parish apprentices, and cer
of the settlements of poor persons which may have b
cuted and signed by such single churchwarden or chap
en, acting in and for a parish, township, hamlet, or p
which formerly two or more churchwardens or chapel
had been appointed, may on that account, if conteste
court of law, be deemed to be null and void : And
much litigation has recently arisen between parishes
to the discovery of such defect as above-mentioned is
pointment of churchwardens and chapelwardens ;
would tend to prevent future litigation, if such indent
certificates as before-mentioned were in certain cases
to be valid and effectual :” May it therefore please Y
jesty that it may be enacted ; and be it enacted by th
most excellent Majesty, by and with the advice and
of the lords spiritual and temporal, and commons, in
sent parliament assembled, and by the authority of th
That from and after the passing of this act, all inden
the binding of parish apprentices, and certificates of
tlement or settlements of poor persons, which ha
previous to the passing of this act, executed or signe
churchwarden or chapelwarden, acting or purportin
in the capacity of churchwarden or churchwardens,
warden or chapelwardens, for any parish, township,
chapelry, or place in *England*, for which two church
or chapelwardens had formerly been appointed, shall b
ed and taken to be as good and effectual to all inte
purposes as if the same indentures or certificates h
executed by one or more churchwarden or chapel

wardens or chapelwardens legally appointed; any statute, usage, or custom to the contrary notwithstanding.

Provided always, and be it further enacted and declared, That nothing in this act contained shall be construed to set aside any decision or judgment made or given by any court of judicature respecting any such indentures or sales, or to alter, impeach, or affect the settlement of any person for whose removal any order of justices shall have been made, previous to the passing of this act, or to make or make valid any indentures or certificates to be made or executed, as herein-before mentioned, after the passing of this act.

Not to affect decisions already made.

[1 & 2 Geo. 4. c. 56.]

Act to amend an Act, passed in the Twenty-second Year of late Majesty, for the better Relief and Employment of the poor.
[23d June, 1821.]

Whereas an act was passed in the twenty-second year of the reign of His late Majesty King George the Third, intituled *an Act for the better relief and employment of the poor*: And as doubts have arisen whether the guardians, or visitor or guardians of the poor, acting under the authority of the act, can make effectual sales of houses and other buildings with the land, yards, and gardens belonging thereto or with the same, and give effectual discharges for, and due application of the purchase money, and also whether a decision to appoint guardians in any year invalidates the appointment of guardians in any subsequent year; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, by the authority of the same, That it shall and may be lawful for the guardians, or the visitor and guardians for the relief of the poor of any parish, township, or place, or several united parishes, townships, or places, which hath been adopted, or shall hereafter adopt the provisions of the said act, or the major part or number of such acting guardians, and jointly with the visitor, if any, for the time being, (notwithstanding any omission to appoint guardians in any successive year, and also notwithstanding any informality or want of appointment of any such acting visitor or guardians),

22 G. 3. c. 88.

Power given to guardians to sell poor houses and lands.

any workhouse or other houses, tenements, outhouses, offices, yards, gardens, orchards, land with their appurtenances, which may have been erected by or on behalf of such parish, township, or place, or several united parishes, townships, or places, for and under the authority of the said act, and the inheritance thereof, or any other estate or interest in and by bargain and sale to convey and assure to the purchaser or purchasers thereof respectively and their respective heirs, executors, administrators, or as he or they shall direct, and to give receipts for the purchase money, which receipts shall be a full and effectual discharge to the purchaser or purchasers or their respective heirs, executors, administrators, without any obligation on him, her, or to the application of his, her, or their purchase money from and after every such sale, the workhouses, tenements, and buildings, outhouses, gardens, orchards, lands, and grounds, with their appurtenances, so sold, shall be discharged from all the purposes of the said recited act.

Application
of money to
arise by such
sale.

II. And be it further enacted, That a competent sum of money arising from every such sale shall be applied to the payment of the expences attending the sale, and in discharging any incumbrances affecting the said workhouses, other houses, tenements, and buildings, outhouses, yards, gardens, orchards, lands, and grounds real or personal, and any debts which may have been contracted by the parish, or by the overseers, or visitor and guardians of such parish, township,

applied by such churchwardens and overseers of the poor actively, as part of the rates to be collected for the relief of the poor of the same parish, township, or place, or several parishes, townships, or places respectively.

[1 & 2 Geo. 4. c. 63.]

An Act to amend an Act, made in the Twenty-eighth Year of the Reign of King George the Third, intituled, An Act to enable Justices of the Peace to act as such, in certain Cases, out of the Limits of the Counties in which they actually are.

[2d July, 1821.]

"Whereas by an act of parliament passed in the twenty-ninth year of the reign of King George the Third, intituled, *An Act to enable justices of the peace to act as such, in certain Cases, out of the limits of the counties in which they actually are,* 28 G. 3. c. 49. was enacted, That it should and might be lawful for any justice or justices of the peace acting for any county at large, to act as such at any place within any city, town, or precinct, being a county of itself, and situate within, surrounded by, or adjoining to any such county at large; and that all and every such act or acts, matters and things done by such justice or justices of the peace for the said county at large, within any city, town, or other precinct, should be as valid and effectual in the law as if the same had been done within the said county at large, to all intents and purposes whatsoever: and whereas doubts have been entertained whether justices of the peace for counties at large are thereby empowered to act for such counties at large within any city, town, or other precinct having exclusive jurisdiction, but not being a county of itself;" Be it therefore enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for any justice or justices of the peace acting for any county at large, or for any riding or division of a county in which there are several and distinct commissions of the peace, to act as a justice or justices for such county at large, riding, or division, in sessions or otherwise, at any place within any city, town, or other precinct, having exclusive jurisdiction, but not being a county of itself, and situate within, surrounded by, or adjoining to any such county at large, riding, or division; and that all

Justices of the peace, acting for any county at large, &c. may act as such in places having exclusive jurisdiction within or adjoining any such county.

Proviso.

and every such act and acts, matters and things which shall be done or which may heretofore have been done by such justice or justices of the peace for the said county^{at large}, riding, or division, within such city, town, or other precinct shall be as valid and effectual in the law as if the same had been done within the said county, riding, or division, to all intents and purposes whatsoever: Provided always, that nothing in this act contained shall extend to give power to the justices of the peace for any county at large, riding, or division, not being justices for such city, town, or other precinct, or any constable or other officer acting under them, to act or intermeddle in any matters or things arising within any such city, town, or precinct, in any manner whatsoever.

[1 & 2 Geo. 4. c. 64.]

An Act to amend the Laws now in force relating to Vagrants, until the First Day of September, One thousand eight hundred and twenty-two.

[Repealed by 5 Geo. 4. c. 83.]

[3 Geo. 4. c. 40.]

An Act for consolidating into one Act and amending the Laws relating to idle and disorderly Persons, Rogues, and Vagrants, incorrigible Rogues and other Vagrants, in England.

[Repealed by 5 Geo. 4. c. 83. s. 1.]

[3 Geo. 4. c. 126. s. 51.]

An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England. [6th August, 1832.]

No person to gain a settlement by renting tolls or

LI. And be it further enacted, That no collector or person renting such tolls, or residing in such toll house as aforesaid, and no apprentice or servant of any such col-

tutor or person, shall thereby gain a settlement in any parish or place whatsoever; and that no tolls to be taken at any gate erected or to be erected by the trustees or commissioners of any turnpike road, nor toll house erected or to be erected for the purpose of collecting the same, nor any person in respect of such tolls or toll house, shall be rated or assessed towards the payment of any poor's rates, or any other public or parochial levy whatsoever.

[4 Geo. 4. c. 27.]

An Act to amend an Act passed in the Seventh Year of the Reign of His late Majesty King George the Third, respecting Justices of the Quorum in Cities and Towns Corporate.

[23d May, 1823.]

"Whereas an act was passed in the seventh year of the reign of His late Majesty King George the Third, intituled, *an act to obviate the inconveniences that may arise with respect to the execution of acts of parliament in such cities, boroughs, towns corporate, franchises, or liberties, as have only one justice of the peace of the quorum qualified to act within the same*; hereby it was enacted, that in all such cities, boroughs, towns corporate, franchises, and liberties, as have only one justice of the peace of the quorum, that all acts, orders, adjudications, warrants, indentures of apprenticeship, or other instruments, which shall be made, done, or executed, by two or more justices of the peace within such cities, boroughs, towns corporate, franchises, and liberties, though neither of the said justices are of the quorum, shall be valid and effectual in law: And whereas it is expedient that the provisions of the said act should be extended to such cities and other jurisdictions as have two or any other limited number of justices of the peace qualified to act within the same:" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, in all cases where the number of justices of the peace for any city, borough, town corporate, franchise, liberty, or other local jurisdiction, is limited, and any one, two, or more, of such justices only are of the quorum, all acts, orders, adjudications, warrants, indentures of apprenticeship, or other instruments, which shall be made, done,

7 G. 3. c. 21.

In places having a limited number of justices, any of such justices empowered to act, though not of the quorum.

or executed, either in or out of the general quarter sessions or petty sessions, or any adjournment thereof, by virtue of any charter or grant, or by virtue of any act of parliament made or to be made, by any two or more justices of the peace acting within the same, though neither of the said justices be of the quorum, shall be valid in law, to all intents and purposes as if the said justices had been of the quorum, by charter, grant, law, or custom to the contrary therein expressed notwithstanding.

[4 Geo. 4. c. 29.]

An Act to increase the Power of Magistrates, in Cases of Apprenticeships. [23d May, 1834.]

20 G. 2. c. 19. Whereas by an act made in the twentieth year of the reign of His Majesty King George the Second, intituled *an act for the better adjusting and more easy recovery of the wages of certain servants, and for the better regulation of such servants and of certain apprentices*, it is, amongst other things, enacted and provided, that it shall and may be lawful to and for any two or more justices of the peace, upon any complaint or application by any apprentice put out by the parish, or by any other apprentice, upon whose binding out no larger sum than five pounds of lawful *British* money was paid, touching or concerning any misuse, refusal of necessary provision, cruelty, or other ill treatment of or towards such apprentice by his or her master or mistress, to summon such master or mistress to appear before such justices, at a reasonable time to be named in such summons; and such justices shall and may examine into the matter of such complaint, and proof thereof made upon oath to their satisfaction, (whether the master or mistress be present or not, if service of such summons be also upon oath proved), the said justices shall discharge such apprentice, by warrant or certificate under their hands and seals, for which warrant or certificate no fee shall be paid; and it is also enacted, that it shall and may be lawful to and for such justices, upon application or complaint made upon oath by any master or mistress against any apprentice, touching or concerning any misdemeanor, neglect, carriage, or ill behaviour, in such his or her service, (upon such oath such justices are hereby empowered to administer and hear, examine, and determine the same, and to punish any offender by commitment to the house of correction, th

remain and be corrected and held to hard labour for a reasonable time, not exceeding one calendar month, or otherwise in discharging such apprentice in manner and form before mentioned: And whereas by another act made in the thirty-third year of the reign of His late Majesty King George the Third, intituled, *An act to authorize justices of the peace to impose fines upon constables, overseers, and other peace and parish officers, for neglect of duty, and on masters of apprentices for misuse of such their apprentices, and also to make provision for the execution of warrants of distress granted by magistrates*, it is enacted, that it shall and may be lawful for any two or more of His Majesty's justices of the peace, assembled at any special or petty sessions of the peace, upon complaint made to them upon oath, by or on the behalf of any apprentice to any trade or business whatsoever, whether bound apprentice by any parish or township, or otherwise, (provided that not more than the sum of ten pounds be paid upon the binding of such apprentice), against his or her master or mistress, of any ill usage of such apprentice by such master or mistress, such master or mistress having been duly summoned to appear and answer such charge or complaint) to impose, upon conviction, any reasonable fine or fines, not exceeding the sum of forty shillings, upon such master or mistress respectively, as a punishment for such ill usage; and by warrant under the hands and seals of any two or more of such justices assembled at any such special or petty sessions as aforesaid, to direct such fine or fines, if not paid, to be levied by distress and sale of the goods and chattels of the person or persons so offending, rendering the overplus (if any), after deducting the amount of such fine or fines, and the charges of such distress and sale, to such offender or offenders: And whereas it is expedient that the provisions of the said act should be extended to apprentices upon whose binding out a larger sum than five pounds or ten pounds respectively, as mentioned in the said acts, was paid: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of August one thousand eight hundred and twenty-three, the provisions of the said recited acts, so far as the same relate to apprentices, shall extend and be deemed and construed to extend to all apprentices upon whose binding out no larger sum than twenty-five pounds of lawful British money was or shall be paid; any thing contained in the said acts, or either of them, to the contrary thereof in anywise notwithstanding.

33 G. 3. c. 55.

Recited acts
to extend to
apprentices
bound out at
no larger sum
than 25*l*.

II. And be it further enacted, That from and after the Justices may order pre-

mium to be
refunded.

first day of *August* one thousand eight hundred and three, it shall and may be lawful for any two or more Majesty's justices of the peace, in any case where they direct any apprentice or apprentices to be discharged and by virtue of the said recited acts, or of this act, into consideration the circumstances under which such apprentice or apprentices shall be so discharged, and in an order upon the master or mistress of such apprentice or apprentices to refund all or any part of the premium miums which may have been or shall be paid upon taking or placing out of such apprentice or apprentices, justices in their discretion shall see fit; and in case of sums of money which shall be so ordered to be repaid by such master or mistress, shall be neglected to be repaid by the person or persons directed in any such order to the same, it shall and may be lawful for such two or more justices, in petty sessions, by warrant under their hands and seals, to levy the same upon the goods and chattels of such master or mistress, with the costs and charges of levying the same, rendering the overplus of the sale of such goods and chattels, upon demand, to such master or mistress; and in case there shall not be sufficient goods and chattels to levy the same, then it shall and may be lawful for such justices to commit such offender or offenders to the house of correction, for any time not exceeding two months, until the sum or sums ordered to be refunded, with all costs, shall be sooner paid and satisfied.

Recited acts
to continue
in force, ex-
cept as herein
altered.

III. And be it further enacted, That the said recited acts and all and every the powers and provisions thereof and except such parts thereof as are varied, altered, amended, or repealed, shall be as good, valid, and effectual, for all intents and purposes, as if the same had been re-enacted in this act.

[4 Geo. 4. c. 34. s. 3.]

*An Act to enlarge the Powers of Justices in determining
plaints between Masters and Servants, and between
Apprentices, Artificers, and others.* [17th June,

Justices may
issue war-
rants to ap-
prehend ser-
vants in hus-
bandry, arti-
ficers, &c.

III. And be it further enacted, That if any servant or apprentice, or any artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, brewer, or other person, shall contract with any person or persons, or whomsoever, to serve him, her, or them for any

whatsoever, or in any other manner, and shall not do or commence his or her service according to his contract (such contract being in writing, and signed contracting parties), or having entered into such contract, shall absent himself or herself from his or her service before the term of his or her contract, whether such contract shall be in writing or not in writing, shall be convicted or neglect to fulfil the same, or be guilty of any other larcin or misdemeanor in the execution thereof, or in respecting the same, then and in every such case and may be lawful for any justice of the peace of the county or place where such servant in husbandry, artificer, printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, labourer, or other person, shall have been hired, or be employed or be found, and such justice is authorized and empowered, upon complaint thereof made upon oath to him by the person or persons, or any of them with whom such servant in husbandry, artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, printer, labourer, or other person shall have so contracted, or by his, her, or their steward, manager, or other person, which oath such justice is hereby empowered to administer, to issue his warrant for the apprehending every such servant in husbandry, artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, printer, labourer, or other person, and to examine into the nature of the complaint; and if it shall appear to such justice that such servant in husbandry, artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, printer, labourer, or other person, shall not have fulfilled his contract, or hath been guilty of any other misconduct or misdemeanor as aforesaid, it shall and may be lawful for such justice to commit every such person to the house of correction, there to remain and be held to hard labour for a certain time, not exceeding three months, and to abate a reasonable part of his or her wages, for and during such time as he or she shall be so confined in the house of correction or in lieu thereof, to punish the offender by abating the whole or any part of his or her wages, or to discharge every such servant in husbandry, artificer, calico printer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, printer, labourer, or other person from his or her contract, service, or indenture, which discharge shall be given under the hand and seal of such justice *gratis*.

and may
commit of-
fenders to the
house of cor-
rection, &c.

[4 Geo. 4. c. 76.]

An Act for amending the Laws respecting the Solemnis Marriages in England. [18th July,

Whereas it is expedient to amend the laws respect solemnization of marriages in *England*; be it enacted the King's most Excellent Majesty, by and with the and consent of the lords spiritual and temporal, commands, in this present parliament assembled, and by authority of the same, That from and after the first *November* next ensuing the passing of this act, so much act passed in the twenty-sixth year of the reign of 26 G. 2. c. 33. *George the Second, intituled An Act for the better preventing Clandestine Marriages*, as was in force immediately the passing of this act; and also an act passed in the 4 G. 4. c. 17. session of parliament, intituled *An Act to repeal certain provisions of an Act passed in the third year of His present Majesty intituled 'An Act to amend certain Provisions of the sixth of George the Second, for the better preventing clandestine Marriages;'* shall be and the same are hereby repealed. save and except as to any acts, matters, or things done or the provisions of the said recited acts, or either of before the said first day of *November*, as to which recited acts shall respectively be of the same force and as if this act had not been made; save also and except as the said recited acts, or either of them, repeal any act, or any clause, matter, or thing therein contained.

Banns, where, when, and how published, and marriage to be solemnized, where banns published. See 6 G. 4. c. 92.

II. And be it further enacted, That from and after the first day of *November* all banns of matrimony shall be published in an audible manner in the parish church, or in some chapel, in which chapel banns of matrimony may be hereafter be lawfully published, of or belonging to the parish or chapelry wherein the persons to be married shall dwell, according to the form of words prescribed in the rubrick prefixed to the office of matrimony in the common prayer, upon three *Sundays* preceding the solemnization of marriage, during the time of morning service or evening service (if there shall be no morning service in such church or chapel upon the *Sunday* upon which banns shall be so published), immediately after the lesson; and whensoever it shall happen that the persons to be married shall dwell in divers parishes or chapelries, the banns shall in like manner be published in the church or

such chapel as aforesaid belonging to such parish or chapelry wherein each of the said persons shall dwell; and that all other the rules prescribed by the said rubrick concerning the publication of banns and the solemnization of matrimony, and not hereby altered, shall be duly observed; and that in all cases where banns shall have been published, the marriage shall be solemnized in one of the parish churches or chapels where such banns shall have been published, and in no other place whatsoever.

III. And be it further enacted, That the bishop of the diocese, with the consent of the patron and the incumbent of the church of the parish in which any public chapel, having a chapelry thereunto annexed, may be situated, or of any chapel situated in an extra-parochial place, signified to him under their hands and seals respectively, may authorize, by writing under his hand and seal, the publication of banns and the solemnization of marriages in such chapel for persons residing within such chapelry or extra-parochial place respectively; and such consent, together with such written authority, shall be registered in the registry of the diocese.

Bishop, with consent of patron and incumbent, may authorize publication of banns in any public chapel.

IV. Provided always, and be it enacted, That in every chapel in respect of which such authority shall be given as aforesaid, there shall be placed in some conspicuous part of the interior of such chapel a notice in the words following; "Banns may be published and marriages solemnized in this chapel."

Notice to be placed in such chapel.

V. Provided always, and be it further enacted, That all provisions now in force, or which may hereafter be established by law, relative to providing and keeping marriage registers in any parish churches, shall extend and be construed to extend to any chapel in which the publication of banns and solemnization of marriages shall be so authorized as aforesaid, in the same manner as if the same were a parish church; and every thing required by law to be done relative thereto by the churchwardens of any parish church shall be done by the chapelwarden or other officer exercising analogous duties in such chapel.

Provisions relative to marriage registers extended to chapels so authorized as aforesaid.

VI. And be it further enacted, That on or before the said first day of *November*, and from time to time afterwards as there shall be occasion, the churchwardens and chapelwardens of churches and chapels wherein marriages are solemnized, shall provide a proper book of substantial paper, marked and ruled respectively, in manner directed for the register book of marriages; and the banns shall be published from the said re-

Book to be provided for the registration of banns, &c.

of parties to
be given to
minister se-
ven days be-
fore publica-
tion of banns.

less the persons to be married shall, seven
before the time required for the first publica-
tion of banns, respectively, deliver or cause to be delivered
vicar, minister, or curate, a notice in writing
day on which the same shall be so delivered
christian names and surnames, and of the houses
their respective abodes within such parish or church
said, and of the time during which they have
or lodged in such house or houses respectively.

Ministers not
punishable
for marrying
minors with-
out consent
of parents, &c.
unless they
have notice
of dissent; if
dissent pub-
licly declared,
publication of
banns void.

VIII. Provided always, and be it enacted
aforesaid, That no parson, minister, vicar, or
curate shall solemnize marriages after the first day of November
persons both or one of whom shall be under the age of
one year, after banns published, shall be pun-
ished with ecclesiastical censures for solemnizing such mar-
riages without the consent of parents or guardians, unless such
vicar, or curate shall have notice of the dissent
of parents or guardians; and in case such parents or guardians
of them, shall openly and publicly declare or
declared, in the church or chapel where the banns
published, at the time of such publication, that
dissent to such marriage, such publication shall be
absolutely void.

Republish-
tion of banns
necessary if
marriage not
solemnized
within three
months.

IX. And be it further enacted, That when
banns shall not be had within three months after the
publication of banns, no minister shall proceed to the
solemnization of the same until the banns shall have been
three several *Sundays*, in the form and manner
this act, unless by license duly obtained according to the

persons to be married shall have been for the space of five days immediately before the granting of such licence.

I. And be it further enacted, That if any caveat be entered against the grant of any licence for a marriage, such caveat being duly signed by or on the behalf of the person who enters same, together with his place of residence and the ground of objection on which his caveat is founded, no licence shall be granted till the said caveat, or a true copy thereof, be transmitted to the judge out of whose office the licence is to issue, and unless the judge has certified to the register that he has examined the matter of the caveat, and is satisfied that it ought not to obstruct the grant of the licence for the said marriage, the said caveat be withdrawn by the party who entered same.

Where caveat entered, no licence to issue till matter examined by judge.

II. Provided always, and be it further enacted, That all places where there shall be no parish church or chapel belonging thereto, or none wherein divine service shall be usually solemnized every Sunday, and all extra-parochial places never, having no public chapel wherein banns may be lawfully published, shall be deemed and taken to belong to any parish or chapelry next adjoining, for the purposes of this act; and where banns shall be published in any church or chapel of any parish or chapelry adjoining to any such parish or chapelry where there shall be no church or chapel, or none wherein divine service shall be solemnized as aforesaid, or to any extra-parochial place as aforesaid, the parson, vicar, minister, or curate publishing such banns shall, in writing under hand, certify the publication thereof in the same manner as either of the persons to be married had dwelt in such adjoining parish or chapelry.

Parishes, where no church or chapel, and extra-parochial places, deemed to belong to any adjoining parish, &c.

III. Provided always, and be it further enacted and declared, That if the church of any parish, or chapel of any extra-parochial place, wherein marriages have been usually solemnized, be demolished in order to be rebuilt, or be under repair, and on account be disused for public service, it shall be lawful for the banns to be proclaimed in a church or chapel of any adjoining parish or chapelry in which banns are usually proclaimed, or in any place within the limits of the parish or chapelry which shall be licensed by the bishop of the diocese for the performance of divine service during the repair or rebuilding of the church as aforesaid; and where no such place shall be licensed, then, during such period as aforesaid, the marriages may be solemnized in the adjoining church or chapel wherein the banns have been proclaimed; and all marriages before solemnized in other places within the said parishes

Where churches are demolished or under repair, banns to be proclaimed in the church or chapel of an adjoining parish, &c.

or chapelries than the said churches or chapels, on ac-
their being under repair, or taken down in order to be
shall not be liable to have their validity questioned
account, nor shall the ministers who have so solemnly
same be liable to any ecclesiastical censure, or to a
proceeding or penalty whatsoever.

Oath to be
taken before
the surrogate
as to certain
particulars
before licence
is granted.

XIV. And be it further enacted, for avoiding all f-
collusion in obtaining of licences for marriage, That
any such licence be granted, one of the parties shall p-
swear before the surrogate or other person having aut-
grant the same, that he or she believeth that there is
diment of kindred or alliance, or of any other lawfu-
nor any suit commenced in any ecclesiastical court, s-
hinder the proceeding of the said matrimony accordi-
tenor of the said licence; and that one of the said part-
for the space of fifteen days immediately preceding
cence, had his or her usual place of abode within the
chapelry, within which such marriage is to be sole-
and where either of the parties, not being a widower or
shall be under the age of twenty-one years, that the
of the person or persons whose consent to such ma-
required under the provisions of this act has been
thereto: Provided always, that if there shall be no p-
son or persons having authority to give such consent, t-
oath made to that effect by the party requiring such li-
shall be lawful to grant such licence notwithstanding
of any such consent.

Bond not to
be required
before grant-
ing licence.

XV. Provided always, and be it further enacted
shall not be required of any person applying for any
cence to give any caution or security, by bond or o-
before such licence is granted; any thing in any act
to the contrary thereof notwithstanding.

Who are to
give consent
if parties are
under age.

XVI. And be it further enacted, That the father,
of any party under twenty-one years of age, such p-
being a widower or widow; or if the father shall
the guardian or guardians of the person of the party
age, lawfully appointed, or one of them; and in c-
shall be no such guardian or guardians, then the m-
such party, if unmarried; and if there shall be no m-
married, then the guardian or guardians of the person
ed by the court of chancery, if any, or one of them, s-
authority to give consent to the marriage of such pa-
such consent is hereby required for the marriage of su-
so under age, unless there shall be no person autho-
give such consent.

VII. And be it further enacted, That in case the father or any of the parties to be married, or of one of them, so under as aforesaid, shall be *non compos mentis*, or the guardian or guardians, mother or mothers, or any of them whose consent is necessary as aforesaid to the marriage of such party or parties, shall be *non compos mentis*, or in parts beyond the mind, or shall unreasonably or from undue motives refuse or withhold his, her, or their consent to a proper marriage, then and may be lawful for any person desirous of marrying in any of the before-mentioned cases, to apply by petition to the lord chancellor, lord keeper, or the lords commissioners of the great seal of *Great Britain* for the time being, master of the rolls, or vice chancellor of *England*, who is and is respectively hereby empowered to proceed upon such petition in a summary way; and in case the marriage proposed and upon examination appear to be proper, the said lord chancellor, lord keeper, or lords commissioners of the great seal for the time being, master of the rolls, or vice chancellor, shall judicially declare the same to be so; and such judicial declaration shall be deemed and taken to be as good and effectual, to all intents and purposes, as if the father, guardian or guardians, or mother of the person so petitioning had consented to such marriage.

If the father of minor be *non compos mentis*, or if guardians or mother of minor be *non compos mentis*, or beyond sea, &c. parties may apply to the Lord Chancellor.

XVIII. Provided always, and be it enacted, That from and after the said first day of *November* no surrogate hereafter to be deputed by any ecclesiastical judge who hath power to grant licences, shall grant any such licence until he hath taken the oath before the said judge, or before a commissioner appointed by commission under the seal of the said judge, which commission the said judge is hereby authorized to issue, faithfully to execute his office according to law, to the best of his knowledge, and hath given security by his bond in the sum of one hundred pounds to the bishop of the diocese, for the due faithful execution of his said office.

Surrogate to take oath of office.

XIX. And be it also enacted, That whenever a marriage shall not be had within three months after the grant of a licence by any archbishop, bishop, or any ordinary or person having authority to grant such licence, no minister shall proceed to the solemnization of such marriage until a new licence shall have been obtained, unless by banns duly published according to the provisions of this act.

If marriages by licence be not solemnized within three months new licence to be obtained.

XX. Provided always, and be it further enacted, That the Right of archbishop of *Canterbury* and his successors, to grant special licences.

hitherto been used, in virtue of a certain statute made twenty-fifth year of the reign of the late King Henry eighth, intituled *An Act concerning Peter pence and donations*, of granting special licences to marry at any convenient time or place.

Person solemnizing marriage in any other place than a church or chapel, or without banns or licence, or under pretence of being in holy orders, shall be transported.

XXI. And be it further enacted, That if any person from and after the said first day of *November*, solemnize matrimony in any other place than a church, or such chapel wherein banns may be lawfully published, or at other time than between the hours of eight and twelve forenoon, unless by special licence from the archbishop of *Canterbury*, or shall solemnize matrimony without due publication of banns, unless licence of marriage be first obtained from some person or persons having authority to grant the same; or if any person, falsely pretending to be in holy orders, shall solemnize matrimony according to the rites of the church of *England*; every person so offending, and being lawfully convicted thereof, shall be deemed and adjudged to be guilty of felony, and shall be transported for the space of fourteen years, according to the laws in force for transportation of felons; provided that all prosecutions for such felony shall be commenced within the space of three years after the offence committed.

Prosecution to be commenced within three years.

Marriage to be void where persons wilfully marry in any other place than a church, &c. or without banns or licence.

XXII. Provided always, and be it further enacted, That if any persons shall knowingly and wilfully intermarry in any other place than a church, or such public chapel where banns may be lawfully published, unless by special licence from the archbishop aforesaid, or shall knowingly and wilfully intermarry without due publication of banns, or licence from a person or persons having authority to grant the same first had and obtained, and shall knowingly and wilfully consent to or acquiesce in the solemnization of such marriage by any person not being in holy orders, the marriages of such persons shall be void to all intents and purposes whatsoever.

When marriage solemnized between parties under age, contrary to this act, by false oath or fraud, the guilty party to forfeit all property accruing from the marriage.

XXIII. And be it further enacted, That if any valid marriage solemnized by licence shall, after the said first day of *November* next, be procured by a party to such marriage solemnized between persons, one or both of whom shall be under the age of twenty-one years, not being a widow or widower, contrary to the provisions of this act, by means of such party falsely swearing as to any matter or matter which such party is herein-before required personally to swear to, or if any such party wilfully and knowingly so swearing; or if any valid marriage by banns shall, after the said first day of *November* next, be procured by a party thereto to be solemnized

s between persons, one or both of whom shall be under age of twenty-one years, not being a widower or widow, party knowing that such person as aforesaid under the age of twenty-one years had a parent or guardian then living, that such marriage was had without the consent of such parent or guardian, and knowing that banns had not been duly published according to the provisions of this act, and having wilfully caused or procured the undue publication of banns, and in every such case it shall be lawful for His Majesty's attorney general (or for His Majesty's solicitor general in case of the vacancy of the office of attorney general) by injunction in the nature of an *English* bill in the court of chancery or court of exchequer, at the relation of a parent or guardian of the minor, whose consent has not been given to the marriage, and who shall be responsible for any costs incurred in such suit, such parent or guardian previously making oath as is herein-after required, to sue for a forfeiture of estate, right, title, and interest in any property which hath been or shall accrue to the party so offending by force of the marriage; and such court shall have power in such suit to declare such forfeiture, and thereupon to order and direct that all such estate, right, title, and interest in any property as shall then have accrued or shall thereafter accrue to such offending party, by force of such marriage, shall be secured in the direction of such court for the benefit of the innocent party, or of the issue of the marriage, or of any of them, in such manner as the said court shall think fit, for the purpose of preventing the offending party from deriving any interest in real or personal estate, or pecuniary benefits from such marriage; and if both the parties so contracting marriage shall, in the judgment of the court, be guilty of any such offence as aforesaid, it shall be lawful for the said court to set aside and secure such property, or any part thereof, immediately for the benefit of the issue of the marriage, subject to such directions for the offending parties, by way of maintenance or otherwise, as the said court, under the particular circumstances of the case, shall think reasonable, regard being had to the benefit of the issue of the marriage during the lives of the parents, and of the issue of the parties respectively by their future marriage, or of the parties themselves, in case one of them shall survive the other: Provided also, that no such information as aforesaid shall be filed, unless it shall be made out to the satisfaction of the attorney or solicitor general before he files the same, by oath or oaths sworn before one of the masters in ordinary in chancery, or before one of the barons of the exchequer, and which they are hereby respectively empowered to administer, that the valid marriage

to be complained of in such information hath been solemn in such manner and under such circumstances, as in the consent of the said attorney or solicitor general are sufficient to authorize the filing the information under the provision of this act, and that such marriage has been solemnized with the consent of the party or parties at whose relation such information is proposed to be filed, or of any other parent or guardian of the minor married, to the knowledge or belief of the relator or relators so making oath; and that such relator or relators had not known or discovered that such marriage had been solemnized more than three months previous to their application to the attorney or solicitor general.

Previous
agreements
to be void.

XXIV. And be it further enacted by the authority aforesaid, That all agreements, settlements, and deeds entered into or executed by the parties to any marriage, in consequence of which marriage such information as aforesaid shall be filed, or by either of the said parties, before or after the contemplation of such marriage, or after such marriage, the benefit of the parties or either of them, or their issue, in so far as the same shall be contrary to or inconsistent with the provisions of such security and settlement as shall be made or under the direction of such court as aforesaid, under the authority of this act, shall be absolutely void, and have no force or effect.

Information
to be filed
within one
year.

XXV. Provided always, and be it further enacted, That any original information to be filed for the purpose of obtaining a declaration of any such forfeiture as aforesaid, shall be filed within one year after the solemnization of the marriage by which such forfeiture shall have been incurred, and shall be prosecuted with due diligence; and in case any person necessary party to any such information shall abscond, or continue out of *England*, it shall be lawful for the court in which such information shall be filed to order such person to appear to such information, and answer the same, within such time as to such court shall seem fit; and to cause such order to be served on such person at any place out of *England*, or to cause such order to be inserted in the *London Gazette* and such other *British* or foreign newspapers as to such court shall seem proper; and in default of such person appearing and answering such information within the time to be limited as aforesaid, to order such information to be taken as confessed by such person, and to proceed to make such declaration upon such information as such court might have made if such person had appeared to and answered such information.

Provided always, that in case the person at whose relation any such suit shall have been instituted shall die pending such suit, it shall be lawful for the court of chancery, if such court shall see fit, to appoint a proper person or proper persons at whose relation such suit may be continued.

XXVI. Provided always, and be it further enacted, That for the solemnization of any marriage under a publication of banns, it shall not be necessary in support of such marriage to give any proof of the actual dwelling of the parties in the respective parishes or chapelries wherein the banns of matrimony were published; or, where the marriage is by licence, it shall not be necessary to give any proof that the usual place of abode of one of the parties, for the space of fifteen days as aforesaid, was in the parish or chapelry where the marriage was solemnized; nor shall any evidence in either of the said cases be received to prove the contrary in any suit touching the validity of such marriage.

Proof of the actual residence of the parties not necessary to the validity of a marriage, whether after banns or by licence.

XXVII. And be it further enacted, That in no case whatever shall any suit or proceedings be had in any ecclesiastical court, in order to compel a celebration of any marriage in the ecclesia, by reason of any contract of matrimony whatsoever, whether *per verba de presenti*, or *per verba de futuro*, by law or usage to the contrary notwithstanding.

No suit shall be had to compel celebration of marriage by reason of any contract.

XXVIII. And, in order to preserve the evidence of marriages, and to make the proof thereof more certain and easy, for the direction of ministers in the celebration of marriages and registering thereof, be it enacted, that from and after the said first day of November all marriages shall be solemnized in the presence of two or more credible witnesses, besides the minister who shall celebrate the same; and that immediately after the celebration of every marriage an entry thereof shall be made in the register book provided and kept for that purpose as by law is now directed, or as shall be hereafter directed; in which entry or register it shall be expressed that the said marriage was celebrated by banns or licence, and if both either of the parties married by licence be under age, not being a widower or widow, with consent of the parents or guardians, as the case shall be; and such entry shall be signed by the minister with his proper addition, and also by the parties married, and attested by such two witnesses; which entry shall be made in the form or to the effect following; that is to say,

Marriages to be in the presence of two witnesses, and to be registered;

and signed, &c.

Form.

' *A.B.* of { the } parish, and *C.D.* of { the }
' rish, were married in this { church } by { banns,
' consent of { parents, } chapel } licence,
' in the year { guardians, } this day of

‘ By me J. J. { Rec
Vic
Cun

' This marriage was solemnized between us { *A. B.*
C. D.

' In the presence of $\begin{cases} E. F. \\ G. H. \end{cases}$ '

Persons convicted of making a false entry.

or of forging,
&c. any such
entry;

or of forging,
&c. any li-
cense:

or of destroy-
ing such re-
gister:

to be transported.

Not to affect marriages of Royal Family.

XXIX. And be it further enacted by the authority said, That if any person shall, from and after the said day of *November*, with intent to elude the force of t knowingly and wilfully insert or cause to be inserted register book of such parish or chapelry as aforess false entry of any matter or thing relating to any ma or falsely make, alter, forge, or counterfeit, or cause cure to be falsely made, altered, forged, or counterfeite act or assist in falsely making, altering, forging, or c feiting any such entry in such register ; or falsely make forge, or counterfeit, or cause or procure to be falsely altered, forged, or counterfeited, or assist in falsely n altering, forging, or counterfeiting any such licence o riage as aforesaid ; or utter or publish as true any suc altered, forged, or counterfeited register as aforesaid copy thereof, or any such false, altered, forged, or c feited licence of marriage, knowing such register or lic marriage respectively to be false, altered, forged, or c feited ; or if any person shall, from and after the s day of *November*, wilfully destroy or cause or procure destroyed any register book of marriages, or any part register book, with intent to avoid any marriage, or ject any person to any of the penalties of this act ; person so offending, and being thereof lawfully co shall be deemed and adjudged guilty of felony, an suffer the punishment of transportation for life, accor the laws in force for the transportation of felons.

XXX. Provided always, and be it enacted, That if
or any thing therein contained, shall not extend
marriages of any of the Royal Family.

II. Provided likewise, and be it further enacted, That Act not to extend to marriages of Quakers and Jews.
 in this act contained shall extend to any marriages of the people called *Quakers*, or amongst the persons of the *Jewish* religion, where both the parties to any marriage shall be of the people called *Quakers*, or professing the *Jewish* religion respectively.

III. And be it further enacted, That two printed copies of the act to be sent to the ministers of the several parishes, &c. of this act shall, as soon as conveniently may be after the passing of this act, be provided by His Majesty's printer, and transmitted to the officiating ministers of the several parishes and chapelries in *England* respectively; one of which shall be deposited and kept with the book containing the marriage register of such parish or chapelry, in the chest provided for the custody of the same. which one to be kept in the parish chest.

IV. And be it further enacted, That this act shall extend only to that part of the united kingdom called *England*. Act only to extend to England.

[5 Geo. 4. c. 32.]

to amend an Act, passed in the last Session of Parliament, intitled An Act for amending the Laws respecting the Solemnisation of Marriages in England.

[17th May, 1824.]

Whereas by an act, passed in the fourth year of the reign of the present Majesty, intituled *An Act for amending the Laws respecting the solemnisation of marriages in England*, it is enacted, that if the church of any parish, or chapel of any town, wherein marriages have been usually solemnized, is dilapidated in order to be rebuilt, or be under repair, and is not on account be disused for public service, it shall be lawful for the minister of the parish to cause banns to be proclaimed in a church or chapel of any parish or chapelry in which banns are usually proclaimed, or in any place within the limits of the parish or town which shall be licensed by the bishop of the diocese for the performance of divine service during the repair or rebuilding of the church as aforesaid; but it is not provided that marriages may be solemnized in such place so licensed: whereas it is farther provided, that where no such place shall be so licensed, then during such period as aforesaid no marriage may be solemnized in the adjoining church or chapel wherein the banns have been proclaimed; but it is provided that marriages may be solemnized by licence in

such adjoining church or chapel as aforesaid : And whereas it is provided that all marriages theretofore, but it is not provided that marriages thereafter solemnized in other places, within the said parishes or chapelries than the said churches or chapels, on account of their being under repair, or taken down in order to be rebuilt, shall not be liable to have their validity questioned on that account : And whereas it is provided, that the ministers who have so solemnized the same shall not be liable to any ecclesiastical censure, or to any other proceeding or penalty whatsoever ; but it is not provided that the ministers who shall thereafter solemnize such marriages shall not be liable to such censure or other proceeding or penalty : And whereas it is expedient that marriages heretofore and hereafter solemnized in such place so licensed as aforesaid, during the repair or rebuilding of any church or chapel, or if no such place shall be so licensed, then in a church or chapel of some adjoining parish or chapelry, whether by banns lawfully proclaimed, or by licence lawfully granted, should not have their validity questioned on account of their being so solemnized : And whereas it is expedient that the ministers who shall have so solemnized the same should not be liable to any ecclesiastical censure, or to any other proceeding whatsoever : Therefore be it enacted, and it is hereby enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, all marriages which have been heretofore solemnized or which shall be hereafter solemnized in any place within the limits of such parish or chapelry so licensed as aforesaid for the performance of divine service during the repair or rebuilding of the church of any parish, or chapel of any chapelry, wherein marriages have been usually solemnized, or if no such place shall be so licensed, then in a church or chapel of any adjoining parish or chapelry in which banns are usually proclaimed, whether by banns lawfully published in such church or chapel, or by licence lawfully granted, shall not have their validity questioned on account of their having been so solemnized ; nor shall the ministers who have so solemnized the same be liable to any ecclesiastical censure, or to any other proceeding whatsoever.

Validity of marriages solemnized in certain places where churches or chapels are under repair, &c. not to be questioned.

Licences for solemnization of marriages in churches, &c. deemed to extend to any place within

II. And be it further enacted, That all licences granted by any archbishop, bishop, or other ordinary or person having authority to grant such licences for the solemnization of marriages in the church of any parish or chapel of any chapelry wherein marriages have been usually solemnized, shall be deemed and taken to be licences for the solemnization of

Marriages in any place within the limits of such parish or chapelry which shall be licensed by the bishop of the diocese for the performance of divine service during the repair or rebuilding of any such church or chapel, or if no such place shall be so licensed, then in the church or chapel of any adjoining parish or chapelry wherein marriages have been usually solemnized.

the limits of the parish, licensed for the performance of divine service while church is under repair, &c.

III. And be it further enacted, That all banns of marriage proclaimed, and all marriages solemnized according to the provisions of this act, in any place licensed as aforesaid, within the limits of any parish or chapelry, during the repair or rebuilding of the church or chapel of such parish or chapelry, shall be considered as proclaimed and solemnized in the church or chapel of such parish or chapelry, and shall be so registered accordingly.

Banns proclaimed and marriages solemnized in such licensed places, shall be considered as done in the church of the parish.

[5 Geo. 4. c. 71.]

An Act to amend several Acts passed for the better Care and Maintenance of Lunatics, being Paupers or Criminals, in England.

[Repealed by 9 Geo. 4. c. 40. s. 1.]

[5 Geo. 4. c. 83.]

An Act for the Punishment of Idle and disorderly Persons, and Rogues and Vagabonds, in that Part of Great Britain called England. [21st June, 1824.]

“Whereas an act was passed in the third year of the reign of His present Majesty, intituled *An act for consolidating into one act and amending the laws relating to idle and disorderly persons, rogues, and vagabonds, incorrigible rogues and other vagrants, in England*: And whereas the said act was to continue in force until the first day of *September* one thousand eight hundred and twenty-four, and no longer; and it is expedient to make further provision for the suppression of vagrancy, and for the punishment of idle and disorderly persons, rogues, and vagabonds, and incorrigible rogues, in *England*,” be it therefore enacted by the King’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled,

Provisions heretofore made relative to vagrants shall be repealed, except as to offences committed before the passing of this act.

and by the authority of the same, That all provisions heretofore made relative to idle and disorderly persons, rogues, and vagabonds, incorrigible rogues or other vagrants, in *England*, shall be and the same are hereby repealed, except only as to any offence committed before the passing of this act, which shall be punished under the provision of the said recited act, and save and except as hereinafter excepted.

II. And whereas by an act passed in the thirty-second year 32 G. 3. c. 45. of the reign of His late Majesty King George the Third, intituled *An act to explain and amend an act made in the seventeenth year of the reign of His late Majesty King George the Second, intituled 'An act to amend and make more effectual the laws relating to rogues and vagabonds, and other idle and disorderly persons, and to houses of correction,'* His Majesty's judges of assizes and the justices at the general or quarter sessions, or any justices of the peace, are empowered to order any convict upon his discharge from prison to be conveyed by pass in manner therein directed; and the judge, justices or justice aforesaid, are also empowered to convey by pass any person who shall be acquitted at the assizes or general or quarter sessions, or discharged by proclamation or otherwise, who shall apply to be conveyed as aforesaid: And whereas doubts have arisen whether such parts of such act as give such power to order such person to be conveyed by pass were by the provisions of the said recited act of the third year of the reign of His present Majesty repealed: And whereas it is expedient to remove such doubts; be it therefore declared and enacted, That all such provisions of the said recited act of the thirty-second year of the reign of His late Majesty King George the Third, as give such power of conveying by pass any convict upon his discharge from prison, and any person who shall be acquitted at the assizes or general or quarter sessions, or discharged by proclamation or otherwise, shall be and the same is hereby repealed.

Provisions of recited act as give power of passing convicts on discharge from prison repealed.

Persons committing certain offences how to be punished.

III. And be it further enacted, That every person being able wholly or in part to maintain himself or herself, or his or her family, by work or by other means, and wilfully refusing or neglecting so to do, by which refusal or neglect he or she, or any of his or her family whom he or she may be legally bound to maintain, shall have become chargeable to any parish, township, or place; every person returning to and becoming chargeable to any parish, township, or place from whence he or she shall have been legally removed by order of two justices of the peace, unless he or she shall produce a certificate of the churchwardens and overseers of the poor of some other parish, township, or place, thereby as-

knowledging him or her to be settled in such other parish, township, or place; every petty chapman or pedlar wandering abroad and trading, without being duly licensed, or otherwise authorized by law; every common prostitute wandering in the public streets or public highways, or in any place of public resort, and behaving in a riotous or indecent manner; and every person wandering abroad, and placing himself or herself in any public place, street, highway, court, or passage, to beg or gather alms, or causing or procuring or encouraging any child or children so to do, shall be deemed an idle and disorderly person within the true intent and meaning of this act; and it shall be lawful for any justice of the peace to commit such offender (being thereof convicted before him by his own view or by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses) to the house of correction, there to be kept to hard labour for any time not exceeding one calendar month.

IV. And be it further enacted, That every person committing any of the offences herein-before mentioned, after having been convicted as an idle and disorderly person; every person pretending or professing to tell fortunes, or using any subtle craft, means, or device, by palmistry or otherwise, to deceive and impose on any of His Majesty's subjects; every person wandering abroad and lodging in any barn or out-house, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, not having any visible means of subsistence, and not giving a good account of himself or herself; every person wilfully exposing to view, in any street, road, highway, or public place, any obscene print, picture, or other indecent exhibition; every person wilfully, openly, lewdly, and obscenely exposing his person in any street, road, or public highway, or in the view thereof, or in any place of public resort, with intent to insult any female; every person wandering abroad, and endeavouring, by the exposure of wounds or deformities, to obtain or gather alms; every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence; every person running away and leaving his wife, or his or her child or children, chargeable, or whereby she or they, or any of them, shall become chargeable to any parish, township, or place; every person playing or betting in any street, road, highway, or other open and public place, at or with any table or instrument of gaming, at any game or pretended game of chance; every person having in his or her custody or possession any picklock key, crow, jack, bit, or other implement, with intent feloniously to break into any

Persons committing certain offences to be deemed rogues and vagabonds.

dwelling-house, warehouse, coach-house, stable, or outbuilding, or being armed with any gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, or having upon him or her any instrument, with intent to commit any felonious act; every person being found in or upon any dwelling-house, warehouse, coach-house, stable, or outhouse, or in any inclosed yard, garden, or area, for any unlawful purpose; every suspected person or reputed thief, frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony; and every person apprehended as an idle and disorderly person, and violently resisting any constable or other peace officer so apprehending him or her, and being subsequently convicted of the offence for which he or she shall have been so apprehended, shall be deemed a rogue and vagabond, within the true intent and meaning of this act; and it shall be lawful for any justice of the peace to commit such offender (being thereof convicted before him by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses) to the house of correction, there to be kept to hard labour for any time not exceeding three calendar months; and every such picklock key, crow, jack, bit, and other implement, and every such gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, and every such instrument as aforesaid, shall, by the conviction of the offender, become forfeited to the King's Majesty.

Who shall
be deemed
incorrigible
rogues.

V. And be it further enacted, That every person breaking or escaping out of any place of legal confinement, before the expiration of the term for which he or she shall have been committed or ordered to be confined by virtue of this act; every person committing any offence against this act which shall subject him or her to be dealt with as a rogue and vagabond, such person having been at some former time adjudged so to be and duly convicted thereof; and every person apprehended as a rogue and vagabond, and violently resisting any constable or other peace officer so apprehending him or her, and being subsequently convicted of the offence for which he or she shall have been so apprehended, shall be deemed an incorrigible rogue within the true intent and meaning of this act; and it shall be lawful for any justice of the peace to commit such offender (being thereof convicted before him by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses) to the house of correction, there to remain until the next general or quarter sessions of the

peace; and every such offender who shall be so committed to the house of correction, shall be there kept to hard labour during the period of his or her imprisonment.

VI. And be it further enacted, That it shall be lawful for any person whatsoever to apprehend any person who shall be found offending against this act, and forthwith to take and convey him or her before some justice of the peace, to be dealt with in such manner as is hereinbefore directed, or to deliver him or her to any constable or other peace officer of the place where he or she shall have been apprehended, to be so taken and conveyed as aforesaid; and in case any constable or other peace officer shall refuse or wilfully neglect to take such offender into his custody, and to take and convey him or her before some justice of the peace, or shall not use his best endeavours to apprehend and to convey before some justice of the peace any person that he shall find offending against this act, it shall be deemed a neglect of duty in such constable or other peace officer, and he shall on conviction be punished in such manner as is hereinafter directed.

Any person may apprehend offenders.

Penalty on constables, &c. neglecting their duty.

VII. And be it further enacted, That it shall be lawful for any justice of the peace, upon oath being made before him that any person hath committed or is suspected to have committed any offence against this act, to issue his warrant to apprehend and bring before him or some other justice of the peace the person so charged, to be dealt with as is directed by this act.

Justices to examine persons apprehended, and if matter be proved to commit them.

VIII. And be it further enacted, That it shall be lawful for any constable, peace officer, or other person apprehending any person charged with being an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, to take any horse, mule, ass, cart, car, caravan, or other vehicle, or goods in the possession or use of such person, and to take and convey the same as well as such person before some justice of the peace, and for every justice of the peace by whom any person shall be adjudged to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, to order that such offender shall be searched, and that his or her trunks, boxes, bundles, parcels, or packages shall be inspected in the presence of the said justice, and of him or her, and also that any cart, car, caravan, or other vehicle which may have been found in his or her possession or use, shall be searched in his or her presence; and it shall be lawful for the said justice to order that any money which may be then found with or upon such offender shall be paid and applied for and towards the expense

All vagrants to be searched, and trunks, bundles, &c. to be inspected.

Effects found upon vagrants to be sold, and applied towards the

expenses of
maintaining
such offend-
ers.

of apprehending, conveying to the house of correction and maintaining such offender during the time for which he or she shall have been committed; and if upon such search, money sufficient for the purposes aforesaid be not found, it shall be lawful for such justice to order that a part, or if necessary the whole of such other effects then found, shall be sold, and that the produce of such sale shall be paid and applied as aforesaid, and also that the overplus of such money or effects, after deducting the charges of such sale, shall be returned to the said offender.

Justices may
bind persons
by recogni-
zance to pro-
secute va-
grants at
sessions.

IX. And be it further enacted, That when any justice as aforesaid shall commit any such incorrigible rogue to the house of correction, there to remain till the next general or quarter sessions, or when any such idle and disorderly person, rogue, and vagabond, or incorrigible rogue, shall give notice of his or her intention to appeal against the conviction of him or her, and shall enter into recognizance as hereinafter directed to prosecute such appeal, such justice shall require the person by whom such offender shall be apprehended, and the person or persons whose evidence shall appear to him to be material to prove the offence and to support such conviction, to become bound in recognizance to His Majesty, his heirs and successors, to appear at the said general or quarter sessions, to give evidence against such offender touching such offence; and the justices of the peace at their said general or quarter sessions are hereby authorized and empowered, at the request of any person who shall have become bound in any such recognizance, to order the treasurer of the county, riding, division, or place in which the offence shall have been committed, to pay unto such prosecutor, and unto the witness or witnesses on his or her behalf, such sum or sums of money as to the court shall seem reasonable and sufficient to reimburse such prosecutor and such witness or witnesses respectively for the expences he, she, or they shall have been severally put to, and for his, her, or their trouble and loss of time in and about such prosecution; which order the clerk of the peace is hereby directed and required forthwith to make out and deliver unto such prosecutor, or unto such witness or witnesses, upon being paid for the same the sum of two shillings and no more; and the said treasurer is hereby authorized and required, upon sight of such order, forthwith to pay unto such prosecutor or other person or persons authorized to receive the same, such money as aforesaid, and the said treasurer shall be allowed the same in his account; and in case any such person or persons as aforesaid shall refuse to enter into such recognizance, it shall be lawful for such justice to commit such person or persons so refusing to the common gaol, there to remain until he, she, or

Power of ses-
sions to order
payment of
expences to
prosecutors
and wit-
nesses.

enter into such recognizance, or shall be otherwise by due course of law.

be it further enacted, That when any incorrigible have been committed to the house of correction, main until the next general or quarter sessions, it shall be lawful for the justices of the peace there assembled to order, if fit, that such offender be further imprisoned in the house of correction, and be there kept to hard labour for any term not exceeding one year from the time of making such order further, if they think fit, that such offender (being a female) be punished by whipping, at such time of imprisonment, and at such place within their jurisdiction according to the nature of the offence they in their shall deem to be expedient.

Power of sessions to detain and keep to hard labour, and punish by whipping, rogues and vagabonds and incorrigible rogues.

be it further enacted, That in case any constable or peace officer shall neglect his duty in any thing required by this act, or in case any person shall disturb any constable or other peace officer in the execution thereof, or shall be aiding, abetting, or assisting therein, and be thereof convicted upon the oath of one or more justices or witnesses before one or more justice or justices of the peace where such offence shall be committed, such offender shall for every such offence forfeit any sum not exceeding five pounds; and in case such offender shall not pay such sum so forfeited, the same shall be levied by sale and sale of the offender's goods, by warrant from one or more justices; and if sufficient distress cannot be had, it shall be lawful to and for one or more such justice or justices to commit the person so offending to the house of correction there to be kept for any time not exceeding three months, or until such fine be paid; and the said justices shall cause the said fine, when paid, to be delivered to the treasurer of the county, riding, or place where such offence shall have been committed, to be added to and used as part of the stock of the said county, riding, division, or place.

Penalty on officers neglecting their duties, &c.

be it further enacted, That in case any constable or peace officer shall be convicted before any one or more justice or justices of the peace, for any neglect of any duty required of him by this act, or of any disobedience of any warrant or order of any justice or justices of the peace, or of any offence committed by him under the provisions of this act, and in case any justice or justices of the peace shall impose any fine, or

On conviction of officers, &c. justices to make order for payment of expences of prosecution.

direct any penalty to be paid by such officer, under virtue of the powers given to justices of the peace by 83 G. 3. c. 55. passed in the thirty-third year of the reign of His Majesty King George the Third, intituled *An act to authorise justices of the peace to impose fines upon constables, over other peace or parish officers, for neglect of duty, and on of apprentices for ill-usage of such their apprentices, and make provision for the execution of warrants of distress by magistrates*, or under any other powers enabling justices in that behalf, then and in every such case it lawful for such justice or justices, upon conviction such offender, to reimburse and allow to the person or on whose complaint or information such offender sh been convicted all necessary costs and expences wh person or persons may thereby have incurred, or appeal made in consequence thereof, by making s under his or their hands and seals upon the treasurer county, riding, division, or place, to pay to such p persons the amount of such costs and expences, on p the said order and giving a receipt for the same, same shall be allowed the said treasurer in his account

Lodging houses, &c. suspected to conceal vagrants may be searched, and suspected persons brought before a justice.

XIII. And be it further enacted, That it shall be la any justice of the peace, upon information on oat him made, that any person hereinbefore described t idle and disorderly person, or a rogue and vagabon incorrigible rogue, is or is reasonably suspected to bourd or concealed in any house kept or purporti kept for the reception, lodging, or entertainment vellers, by warrant under his hand and seal to autho constable or other person or persons to enter at s into such house, and to apprehend and bring befor any other justice of the peace every such idle and di person, rogue, and vagabond, and incorrigible rogue be found therein, to be dealt with in the manner here directed.

Persons ag-
grieved may
appeal to the
next sessions.

XIV. And be it further enacted, That any person a by any act or determination of any justice or justice peace out of sessions, in or concerning the execution act, may appeal to the next general or quarter ses the county, riding, division or place in and for wh justice or justices shall have so acted, giving to th or justices of the peace, whose act or determination appealed against, notice in writing of such appeal, ar ground thereof, within seven days after such act c mination, and before the next general or quarter and entering within such seven days into a recog

nt surety, before a justice of the peace for the place in which such person shall have been con-
nally to appear and prosecute such appeal; and
notice being given, and such recognizance being
, such justice is hereby empowered to discharge
out of custody; and the court at such general
sessions shall hear and determine the matter of
, and shall make such order therein as shall to
rt seem meet, and in case of the dismissal of the
the affirmance of the conviction, shall issue the
process for the apprehension and punishment of
, according to the conviction.

vided always, and be it further enacted, That Visiting jus-
ein contained shall extend or be construed to tices of gaols,
as to restrain, hinder, or prevent any visiting &c. empower-
ny county gaol, house of correction, or other ed to grant
n granting a certificate or other instrument for certificates
y person discharged from a county gaol, house of for enabling
or other prison, to have or receive alms or relief persons dis-
is or her route to his or her place of settlement, charged from
at such certificate be made and drawn up in com- prison to re-
h the directions and provisions of any act or ceive alms in
liament for the better regulation and manage- their route.
ls, houses of correction, or prisons; and if any
hom any such certificate or instrument shall be
all act in any manner contrary to the directions
is of such certificate or instrument, or shall loiter
r her route, or shall deviate therefrom, every
shall be and be deemed to be a rogue and vaga-
a the provisions and directions of this act, and
ished accordingly.

d be it further enacted, That from and after the Justices not
his act, no justice of the peace, mayor, or other to grant cer-
shall grant to any person, other than a person tificates ena-
reto under and by virtue of an act passed in the bling persons
year of the reign of His late Majesty King George to ask relief
stituted *An act for the relief of soldiers, sailors, and on route, ex-
l of the wives of soldiers in the cases therein men- cept to sol-
x as relates to England, any certificate or other diers and
enabling such person to ask alms or relief in their sailors.
y place, or for any other purpose whatever; and 43 G. 3. c. 61.*
n asking alms or relief under and by virtue of Other per-
ate or other instrument hereby prohibited, is sons asking
declared to be an idle and disorderly person in alms to be
as if he or she had possessed no such certificate deemed
trument as aforesaid. rogues and
vagabonds.

Form of conviction under this act.

XVII. And be it further enacted, That no proceeding to be had before any justice or justices of the peace under the provisions of this act shall be quashed for want of form; and every conviction of any offender as an idle and disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, under this act, shall be in the form or to the effect following, or as near thereto as circumstances will permit; (that is to say),

‘ } Be it remembered, That on the
‘ to wit. } day of in the year of our Lord
‘ at in the county of *A. B.*
‘ is convicted before me *C. D.* one of His Majesty’s justices
‘ of the peace in and for the said county, of being an idle and
‘ disorderly person [*or a rogue and vagabond, or an incor-*
‘ *rigrable rogue*] within the intent and meaning of the sta-
‘ tute made in the fifth year of the reign of His Majesty
‘ King *George* the Fourth, intituled *An act* [*here insert the*
‘ *title of this act*]; that is to say, for that the said *A. B.* on
‘ the day of at in the said county
‘ [*here state the offence proved before the magistrate*], and
‘ for which said offence the said *A. B.* is ordered to be
‘ committed to the house of correction at there
‘ to be kept to hard labour for the space of [*or*
‘ until the next general or quarter sessions]. Given under
‘ my hand and seal the day, year, and at the place first
‘ abovewritten.’

Conviction to be transmitted to the sessions, and a copy thereof to be evidence.

And the justice or justices of the peace before whom any such conviction shall take place shall, and he and they is and are hereby required to transmit the said conviction to the next general or quarter sessions of the peace to be holden in and for the county, riding, division, or place wherein such conviction shall have taken place, there to be filed and kept on record; and a copy of the conviction so filed, duly certified by the clerk of the peace, shall and may be read as evidence in any court of record, or before any justice or justices of the peace acting under the powers and provisions of this act.

Justices, &c. to have treble costs, if judgment be in their favour.

XVIII. And be it further enacted, That in all cases where an action shall be brought against any justice of the peace, constable, or other person, for or on account of any matter or thing whatsoever done or commanded by him in the execution of his duty or office under this act, such justice, constable, or other person, if he shall have judgment in his favour, shall have treble costs awarded to him by the court, unless the

judge shall certify that there was a reasonable cause for such action.

XIX. And be it further enacted, That every such action shall be commenced within three calendar months after the cause of action or complaint shall have arisen, and not afterwards; and if any person or persons shall be sued for any matter or thing which he, she, or they shall have done in the execution of this act, he, she, or they may plead the general issue, and give the special matter in evidence.

Limitation of actions.
General issue.

XX. And be it further enacted, That every person who under the provisions of this act shall have been convicted as an idle and disorderly person, or as a rogue and vagabond, shall be deemed to be actually chargeable to the parish, township, or place in which such person shall reside; and such person shall be liable to be removed to the parish of his or her last legal settlement, by the order of two justices of the peace of the division or place in which such person shall reside.

Persons convicted under this act to be chargeable to the parish in which they shall reside.

XXI. Provided always, That wherever by any act or acts of parliament now in force it is directed that any person shall be punished as an idle and disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, for any offence specified in such act or acts, and not hereinbefore provided for by this act, in every such case, whether such person shall or shall not have committed any offence against this act, every such person shall be punished under the provisions, powers, and directions of this act.

Persons committing offences under former acts to be punished under this act.

XXII. Provided also, and be it further enacted, That nothing herein contained shall be construed to extend or apply to *Scotland* or *Ireland*, nor to alter any law now in force for the removal of poor persons born in *Scotland*, *Ireland*, or the *Isles of Man*, *Jersey*, and *Guernsey*, and becoming chargeable to parishes in *England*, such persons not having committed acts of vagrancy as hereinbefore described, nor to alter any law now in force relating to lunatic vagrants.

Not to extend to repeal any act in force in *Scotland* or *Ireland* relative to the removal of poor, &c.

[6 Geo. 4. c. 57.]

An Act for the amendment of the Law respecting the Settlement of the Poor, as far as regards renting Tenements and paying Parochial Taxes. [22d June, 1825.]

59 G. 3. c. 50. "Whereas the settlement of the poor has been made, in some instances, to depend upon the annual value of tenements which they may have rented, or upon the annual value of tenements in virtue of which they have paid parochial rates: And whereas the ascertaining such value, in such respective cases, has given rise to very expensive litigation: And whereas doubts have been entertained, whether an act made in the fifty-ninth year of King George the Third, intituled *An act to amend the laws respecting the settlement of the poor, as far as regards renting tenements*, has been effectual for the purpose of altering the law in respect of the necessity of proving the annual value of tenements so rented; and it is expedient that further provision be made relating thereto;" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, the said recited act of the fifty-ninth year of the reign of King George the Third, intituled *An act to amend the laws respecting the settlement of the poor, as far as regards renting tenements*, shall be and the same is hereby repealed.

repealed.

What shall
be deemed
acquiring a
settlement.

Proviso.

II. And be it enacted by the authority aforesaid, That no person shall acquire a settlement in any parish or township maintaining its own poor, by or by reason of settling upon, renting or paying parochial rates for any tenement, not being his or her own property, unless such tenement shall consist of a separate and distinct dwelling-house or building, or of land, or of both, *bona fide* rented by such person, in such parish or township, at and for the sum of ten pounds a year at the least, for the term of one whole year; nor unless such house or building, or land, shall be occupied under such yearly hiring, and the rent for the same, to the amount of ten pounds, actually paid, for the term of one whole year at the least: Provided always, That it shall not be necessary to prove the actual value of such tenement; any thing in any act or acts, or any construction of or implication from any act or acts, or any usage or custom to the contrary notwithstanding.

[6 Geo. 4. c. 92.]

An Act to render valid Marriages solemnized in certain Churches and Public Chapels in which Banns have not usually been published.
[5th July, 1825.]

"Whereas since the making of an act passed in the twenty-sixth year of the reign of his late Majesty King George the Second, intituled *An act for the better preventing clandestine marriages*, and since the making of an act passed in the forty-fourth year of the reign of his late Majesty King George the Third, intituled *An act to render valid certain marriages solemnized in certain churches and public chapels in which banns had not usually been published, before or at the time of passing an act made in the twenty-sixth year of the reign of his late Majesty King George the Second, intituled 'An act for better preventing clandestine marriages,'* divers churches and chapels have been erected and built within that part of Great Britain called England, Wales and the town of Berwick upon Tweed, which have been duly consecrated, and divers marriages have been solemnized therein since the passing of the said last mentioned act; but by reason that in such churches and chapels banns of matrimony had not usually been published before or at the time of passing the said first mentioned act, nor any authority obtained for solemnizing marriages therein under the provisions of an act passed in the fourth year of the reign of his present Majesty King George the Fourth, intituled *An act for amending the laws respecting the solemnization of marriages in England*, such marriages have been or may be deemed to be void:" May it therefore please your Majesty that it may be enacted: and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all marriages already solemnized in any church or public chapel in that part of Great Britain called England and Wales, and the town of Berwick upon Tweed, erected since the making of the said act of the twenty-sixth year of the reign of his said late Majesty King George the Second, and consecrated, shall be as good and valid in law as if such marriages had been solemnized in parish churches or public chapels having chapelries annexed, and wherein banns had usually been published, before or at the time of passing the said first mentioned act.

26 G. 3. c. 23.

44 G. 3. c. 77.

4 G. 4. c. 76.

In what case marriages herein mentioned good in law.

II. And be it further enacted, That it shall and may be law- Marriages in future solemn-

nized in such churches, &c. valid.

ful for marriages to be in future solemnized in all churches and chapelries erected since the passing of the said act in the twenty-sixth year of the reign of his late Majesty King *George the Second*, and consecrated, in which churches and chapels it has been customary and usual before the passing of this act to solemnize marriages; and all marriages hereinafter solemnized therein shall be as good and valid in law as if such marriages had been solemnized in parish churches or public chapels having chapelries annexed, and wherein banns had usually been published before or at the time of passing the said act.

Registers of such marriages evidence.

Proviso as to evidence.

III. And be it further enacted by the authority aforesaid, That the registers of marriages solemnized or to be solemnized in the said churches or chapels, which are hereby enacted to be valid in law, or copies thereof, shall be received in all courts of law and equity as evidence of such marriages, in the same manner as the registers of marriages solemnized in parish churches or public chapels in which banns were usually published before or at the time of passing the said act of the twenty-sixth year of the reign of his said late Majesty King *George the Second*, or copies thereof, are received in evidence: Provided nevertheless, that in all such courts the same objections shall be available to the receiving such registers or copies as evidence as would have been available to receiving the same as evidence if such registers or copies had related to marriages solemnized in such last mentioned parish churches or public chapels as aforesaid.

Registers of marriages solemnized in chapels where banns had not been usually published before 26 G. 2. to be removed to parish church.

IV. And be it further enacted by the authority aforesaid, That the registers of all marriages solemnized in any such public chapel where banns had not been usually published before or at the time of passing the said act of the twenty-sixth year of the reign of his said late Majesty King *George the second*, which marriages are hereby enacted to be valid in law, shall, within three months after the passing of this act, be removed to the parish church of the parish in which such chapel shall be situated; and in case such chapel shall be situated in an extra-parochial place, then to the parish church next adjoining to such extra-parochial place, to be kept with the marriage registers of such parish, and in like manner as parish registers are directed to be kept by the said act of the twenty-sixth year of the reign of his said late Majesty King *George the Second*.

[7 & 8 Geo. 4. c. 17.]

An Act to extend the Provisions of an Act made in the fifty-seventh year of King George the Third, for regulating the Costs of certain Distresses. [28th May 1827.]

Whereas by an act passed in the fifty-seventh year of the reign of His late Majesty King George the Third, intituled *An act to regulate the costs of distresses levied for payment of small rents*, certain regulations are made with respect to the costs and charges of levying and disposing of such distresses where the sum demanded and due shall not exceed twenty pounds : And whereas it is expedient that the said act should be amended, by extending the same to distresses for other taxes : Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, all the rules, regulations, clauses, provisions, penalties, matters, and things in the said act contained, shall extend and be construed to extend, and shall be applied and put in execution, so far as the same are applicable and capable of being put in execution, with respect to any distress or levy which shall be made for any land tax, assessed taxes, poor's rates, church rates, tithes, highways rates, sewer rates, or any other rates, taxes, impositions, or assessments whatever, in all cases where the sum demanded and due for or in respect of such taxes, rates, tithes, assessments, or impositions shall not exceed the sum of twenty pounds, and in all cases where the whole of the several sums sought to be levied by distresses taken for different purposes at the same time shall not exceed the sum of twenty pounds; and that such costs and charges, and no other, shall be taken and payable as the costs and charges of the levy and disposition of such distresses; and that all such proceedings shall and may be had and taken against any and every person transgressing the regulations of the said act in the levying or distraining for any such taxes, rates, impositions, or assessments, and all such persons shall be liable to and shall incur such and the like penalties, as by the said act are directed, required, and imposed with respect to persons making any distress for rent contrary to the directions of the said act; and that in any order or judgment of any justices before whom any complaint shall be preferred in consequence of this act, such order shall be expressed to be

Provisions of recited act extended to distresses for taxes, rates, tithes, &c.

made upon a complaint for the breach of the said recited act as amended by this act; and that the said recited act and this act shall be taken and construed together as one act, to all intents and purposes whatsoever.

[9 Geo. 4. c. 40.]

An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics, in England. [15th July, 1828.]

Repeal of
17 G. 2. c. 5,
s. 20 & 21,

- Whereas it is expedient that the several statutes now in force in that part of the united kingdom called *England*, relating to the care and maintenance of lunatics, being paupers or criminals, should be amended and consolidated into one act, and that such other provision should be made as will facilitate the erection of county lunatic asylums, and improve the treatment of pauper and criminal lunatics; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the several acts hereinafter mentioned, *viz.* an act passed in the seventeenth year of the reign of His Majesty King George the Second, intituled, *An act to amend and make more effectual the laws relating to rogues, vagabonds, and other idle and disorderly persons, and to houses of correction*, so far as relates to lunatics to be confined by warrant of justices; and also an act passed in the forty-eighth year of the reign of his late Majesty King George the Third, intituled *An act for the better care and maintenance of lunatics, being paupers or criminals, in England*; and also an act passed in the fifty-first year of the reign of his said late Majesty, intituled *An act to amend an act of the forty-eighth year of his present Majesty, for the better care and maintenance of lunatics, being paupers or criminals in England*; and also an act passed in the fifty-fifth year of the reign of his said late Majesty, intituled *An act to amend an act passed in the forty-eighth year of his present Majesty, intituled 'An act for the better care and maintenance of lunatics, being paupers or criminals, in England:'* and also an act passed in the fifty-sixth year of the reign of his said late Majesty, intituled *An act to amend an act passed in the thirty-ninth and fortieth years of the reign of his present Majesty, for the safe custody of insane persons charged with offences*; and also an act passed in the fifty-ninth year of the

sign of his said late Majesty, intituled *An act for making provision for the better care of pauper lunatics in England*; and also an act passed in the fifth year of the reign of his present Majesty, intituled *An act to amend several acts passed for the better care and maintenance of lunatics, being paupers or criminals, in England*, shall be and the same are hereby repealed, except as to any matters committed or done before the passing of this act, which shall be dealt with as if this act had not passed; and that all asylums erected or established under the said repealed acts shall in future be regulated under the directions of this act.

II. And be it further enacted, That it shall and may be lawful for the major part of the justices of the peace in and for every county in *England*, present at any general quarter sessions for the said county, to direct public notice to be given in some newspaper or newspapers circulated in such county, of their intention of taking into consideration at their next quarter sessions the expediency of providing a county lunatic asylum or asylums, or house or houses for the reception of insane persons, or of appointing a committee of justices to treat with the justices of any one or more of the adjacent counties, or with the subscribers to any lunatic asylum heretofore built and established, or intended to be built and established, by voluntary contributions, to unite with them for such purpose.

III. And be it further enacted, That the said justices of the peace, after such notice so given as aforesaid, shall at their next general quarter sessions proceed to take the same into consideration; and if it shall appear to the major part of the said justices then and there assembled, (such major part not being less in number than seven,) that it is expedient that a county lunatic asylum, or house for the reception of insane persons, should be erected in and for the said county sole, the said justices shall nominate and appoint such number of visiting justices as they shall think fit to superintend the erection and management of such county lunatic asylum, who from time to time shall report their proceedings to the court of general quarter sessions.

IV. And be it further enacted, That in all cases where it shall appear expedient to the said justices, so assembled as aforesaid, to unite for the purposes of this act with any one or more adjacent counties, or with any lunatic asylum heretofore built and established by voluntary contributions, or so intended to be built and established, it shall and may be lawful for the said justices, so assembled as aforesaid, to appoint any num-

59 G. 3. c. 127.

5 G. 4. c. 71.

Justices at quarter sessions may give notice respecting the providing lunatic asylums.

Justices may appoint committee to superintend the erection of a lunatic asylum.

Justices may appoint committee to treat with adjacent counties, or with the committee of subscribers to

asylums maintained by voluntary contributions.

ber of justices not exceeding five, to be a committee for ing with any committee of justices of any such said counties, appointed according to the provisions of this : with any committee of any such lunatic asylum, to be ag ed as herein-after directed for such purposes.

Subscribers to any lunatic asylum may appoint a committee to enter into agreement with committee of justices.

V. And be it further enacted, That it shall and may l ful for the major part of the subscribers to any such l asylum, present at any meeting of subscribers to the sa be called together by public advertisement for the expre pose of making such appointment, to appoint any num subscribers not exceeding five, to be a committee to trea and enter into any agreement with the committee of j of any county for the purposes of this act ; and that ever agreement shall specify the place at or near which such ty lunatic asylum shall be situate, the regulations under the expences to be incurred shall be defrayed, and the m or proportion of the visitors to be appointed by the said c and subscribers respectively, and, when signed by the part of the committee of justices aforesaid, and the majo of the committee of subscribers, so appointed as afo shall be binding upon the said county and subscribers, i sequently approved of as herein-after directed.

Agreement to be entered into where counties shall be united.

VI. And be it further enacted, That where the coun of justices so appointed by any two or more counties shall fit to unite the said counties for the purposes of this ac shall signify their inclination and desire so to do at a m holden for that purpose, an agreement shall at such m or as as soon as conveniently may be afterwards, be e into by the said justices so appointed as aforesaid, or the part of them, in the form or to the effect set forth in the dule hereunto annexed (No. 1.), which agreement whe scribed by the major part of the justices so nominated a pointed for each county, shall be binding upon the said c and every such agreement shall specify the place at c which such county lunatic asylum shall be situate, and ti portions in which the expences necessary for the carryi execution the purposes of this act shall be charged and sed upon the several counties so uniting, which prop shall be calculated by the said justices so appointed up numbers of the respective population of the said : counties and places as shall have been stated in the l turns of the said population which shall have been under the authority of parliament previous to the u such counties.

Agreement to

VII. And be it further enacted, That whensoever any

ent shall have been so entered into and signed as aforesaid, be reported to quarter sessions, and not to be valid unless approved of.

the justices so appointed to be a committee for each county uniting shall respectively report the same to the justices at their next general quarter sessions to be holden for each of the said counties, and shall then and there deliver into court a duplicate of the said agreement, to be by the clerks of the peace of the said counties entered among the records: Provided always, that no agreement made by any committee of justices shall be valid until the same shall have been submitted and approved by the majority of the justices of the peace of the county, assembled at the next ensuing general quarter sessions which shall be holden after such agreement shall have been entered into.

VIII. And be it further enacted, That whenever a county lunatic asylum has been provided under the provisions of any former act of parliament, and in every case in which it shall be determined that a county lunatic asylum shall be provided under the provisions of this act, it shall be lawful for the major part of the justices of the peace acting in and for the county or united counties at whose expence, wholly or in part, such county lunatic asylum shall have been or is to be provided, present at the general quarter sessions next after the passing of this act, if a county lunatic asylum shall have been already provided, or present at the general quarter sessions where such determination shall be made, or such agreement as aforesaid shall be approved of, as the case may be, if the county lunatic asylum is hereafter to be provided, and thereafter at the Michaelmas general quarter sessions of the peace to be holden for such county or counties respectively in each year, and for the major part of the subscribers to any lunatic asylum erected or to be erected by voluntary contributions, who may have united or who may hereafter unite with any county or counties under the provisions of this or any former act, present at a general meeting to be holden in the months of September or October in every year, of which due notice shall be given by public advertisement in some newspaper circulated within the county in which such lunatic asylum shall be situated, to elect respectively the members of the committee of visiting justices, or committee of subscribers, to act together, for the providing, building, erection, and management of such county lunatic asylum; and that it shall be lawful for the major part of the justices of the peace acting in and for such county or counties, such major part not being less than seven, present at any general quarter sessions of the peace to be holden for such county or counties respectively, or any adjournment thereof, and for the major part of the subscribers to any such asylum erected or to be erected by voluntary contributions as aforesaid,

Appointment of committees of justices and subscribers to form united committee of visitors for providing and managing a lunatic asylum.

Mode of filling up vacancies in the same.

Proviso as to the proportion of the numbers of such committees.

present at any general meeting to be called for that of which due notice shall be given as aforesaid, to fill vacancy in the number of such committee as may be incurred by death or resignation of any member of such committee of justices or subscribers respectively: Provided that the number of such justices so appointed to committee of visitors as aforesaid shall be in proportion share of expences to be charged and assessed upon them for which they shall act, but so that a number less than shall in no case be appointed for any county so until the number of the committee of subscribers to any asylum uniting with any county as aforesaid, shall be proportion as shall have been specified in the agreement entered into between such county or counties and the several such lunatic asylums.

If appointment not made, the visitors continuing to act shall be deemed the committee.

IX. And be it further enacted, That if the justices subscribers as aforesaid shall in any year neglect or omit such election, or to fill up any vacancy which may be incurred as aforesaid, then the committee of visitors appointed, or such of them as shall continue to act, deemed and taken to be the legal committee of visitors providing, building, erection, and management of county lunatic asylum, until such election as aforesaid have been made, or such vacancy shall have been filled.

Empowering visitors to act;

X. And be it further enacted, That the said visitors nominated and appointed are hereby authorized and required within three calendar months after such nomination or appointment as aforesaid, to meet and assemble at such place as shall appear most convenient for that purpose, (due notice thereof being previously given to such visitors by the clerks of the peace of such county or counties respectively) and that the said visitors may adjourn the said meeting from time to time, or from place to place, and meet as often as they shall think necessary; and the said visitors, or the greater part of them, are hereby authorized at their said meeting to appoint a clerk and a surveyor for duly exercising the duties of this act, and from time to time to receive plans and estimates, and, subject as herein-after mentioned, to contract for the purchase of lands and buildings, and for building, erecting, altering, furnishing, and completing such county lunatic asylum, and the yards, courts, and outlets thereto belonging; and every such contractor shall give sufficient security for the due performance of his contract to the clerk to such visitors; and all contracts, when made, and all orders relating thereto shall be entered in a book to be kept by the clerk to such visitors; and when such county lunatic asylum shall

to appoint clerk and surveyor;

to contract for the purchase of lands.

Contracts to be entered in a book.



ared to be completed, then such book shall be deposited and kept among the records of such county sole, or of such of the counties so united for the purposes of this act as shall have paid the largest quota or proportion of the expences of providing such county lunatic asylum, to be inspected at all reasonable times by any persons contributing to the county of such county or counties respectively, or by any such voluntary subscribers as aforesaid; and all buildings or land to be contracted for and purchased shall be conveyed to a person or persons as the visitors shall think fit, in trust for the uses and purposes of this act; and the said visitors shall from time to time make their report to the general quarter sessions of the peace of such county or counties respectively, of the several plans, estimates, and contracts which shall have been made and entered into in manner aforesaid, and also a report of the sum or sums of money necessary to be raised and levied on such county sole as the expence, or each of such united counties as the quota or proportion of the expence, to be incurred in the several accounts as aforesaid.

XI. Provided always, and be it further enacted, That no person who shall, under the authority of this act, do any thing or thing in the execution hereof, shall be capable of having any beneficial interest or concern whatsoever, either in his own name or in the name of any other person in trust for him, in any contract or agreement to be made under the authority of this act, or shall, for any design or plan he may devise or produce, receive any benefit or emolument whatsoever.

Visitors not to be concerned in contracts.

XII. And be it further enacted, in order to defray the necessary expences for the execution of this act, That the justices of the peace at their general or quarter sessions may and shall assess and tax a special county rate or rates on all persons liable to contribute to the county rate, which said special county rate shall be collected, levied, and recovered in the same manner, and by such ways and means, and under such penalties, as any ordinary county rate may by law be collected, levied, and recovered.

Justices to make rates to defray the necessary expences.

XIII. And whereas the expences of carrying this act into execution may in some cases become very burthensome on the occupiers of land, and others the contributors to the county rates, in case the said expences shall be raised in the manner herein mentioned; be it further enacted, That when it shall appear in the report of such visitors that the charge

Justices may borrow money upon mortgage of the rates herein directed to be raised.

and costs of carrying this act into execution will ex-
half of the amount of the ordinary annual assessment :
county rate for any county (such ordinary assessment
taken on a mean proportion of the said rate of the li-
years preceding that), then and in that case it shall ar-
be lawful for the justices of the peace within the res-
limits of their commission, so assembled in their quar-
tions as aforesaid, from time to time to borrow and tak-
mortgage of the rates herein mentioned, by instrum-
the form contained in the schedule hereunto annexed (I
or to that or the like effect, any sum not less than fifty
each, at legal or lower interest, as to them or the maj-
of them (such major part not being less than five) sha-
necessary and expedient for the purposes aforesaid, and
cure all and every such sum and sums of money so bo-
upon the credit of the rates to be raised upon such
respectively; and the said justices so assembled as af-
are hereby authorized to treat and agree with any pe-
persons for the loan of any such sum or sums of mon-
by their order to confirm and establish every such agr-
as aforesaid; and every such agreement so establis-
such order, and signed by the chairman and two or ma-
tices present at the time of making such order, shall
the same is hereby declared to be effectual for securing
person or persons so advancing any sum or sums of
his or their executors, administrators, and assigns,
every such sum or sums of money, with interest for th-
on such terms as in and by such agreement respective-
be for that purpose stipulated; and the said securiti-
be numbered in order of succession in which they s-
granted, and copies or extracts of all such agreement
curities shall be kept with the clerk of the peace, o-
proper officer having the custody of the records of the
sessions of such county respectively; and all and ev-
son and persons to whom any such security or securiti-
be made, or who shall be entitled to the money ther-
cured, is and are hereby empowered (by endorsing h-
or their name or names on the back of such security
curities) to transfer and assign the same, and his, her,
right to the principal money and interest thereby s-
unto any person or persons, and every such assignee
like manner transfer the same again, and so *toties quoties*
the person or persons to whom such security or securi-
any such assignment thereof, shall be made, and his
respective executors, administrators, and assigns, s-
creditors upon the said rates in an equal degree one wi-
ther, and shall not have any preference with respect
priority of any monies so advanced.

XIV. And be it further enacted, That the said justices are hereby authorized and required, not only to charge the rates to be raised upon such county with the interest of the money so borrowed on such securities, but also with the payment of a further sum, equal at least with the sum so charged for the interest of such securities, which said sum shall be paid and applied, under the direction of the said justices, in discharge of the interest, and of so many of the principal sums on the said securities as such money will extend to discharge in each year, until the whole of the money for which such securities shall be made, and the interest thereof, shall be fully paid and discharged; and the said justices are required to fix one or more days in each year on which such payment shall be made, and shall make orders for assessments in due time, so as to provide for the regular payment thereof; and they are hereby required to appoint a proper person to keep an exact and regular account of all the receipts and payments under the authority of this act, in a book or books separate and apart from all other accounts, and the same to adjust and settle in such manner that it may easily be seen what interest is growing, and what principal money has been discharged, and what remains due; and the said book or books, so adjusted and settled, to deliver into court at every general annual Michaelmas quarter sessions to be held for any such county, or at such other period of the year in any county in which general annual sessions shall be held; and the said justices are hereby required, at every such sessions, carefully to inspect all such accounts, and to make orders for carrying the several purposes of this act into execution, in such manner as to them shall seem meet; and if at any time it shall appear to the said justices that the person so appointed has neglected the said order, and has not duly applied the money in his hands to the purposes hereby directed, such person shall forfeit double the amount of the money which shall not have been applied for the purposes of this act, to be recovered by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such justices; and the said penalty, after the charges of recovering the same, shall be paid to the treasurer of such county lunatic asylum, to be applied to the use of the same; and the said justices on any day and hour to be fixed at some general quarter sessions of the peace to be holden for such county, (of which fourteen days public notice shall be given as aforesaid), shall in open court, cause all the said several securities to be drawn by lot, and numbered for payment according to the event of such drawing, and the securities so drawn and numbered shall be regularly discharged in succession, according to the priority of such drawn number.

Rates so raised to be charged with the interest, and with a further sum to be applied in discharge of interest and principal.

A person to be appointed to keep the accounts, and deliver the same to the justices at the Michaelmas quarter sessions, who are to inspect them.

Penalty on such person for neglect.

For discharging securities.

Justices at sessions may direct tenants at rack rent to deduct one half of the rates from their rent.

XV. Provided always, and be it further enacted, That it shall be lawful for the said justices of the peace at their said general or quarter sessions, if they shall unanimously agree so to do, to direct that every tenant at rack rent paying such rent aforesaid, may deduct and detain, out of the rent payable to his or her landlord or landlords for the premises in respect of which such rent is payable, one half part of the full amount of such rate; and every tenant at rack rent, having paid such rate in manner as aforesaid, shall be and is hereby acquitted and discharged of and from the payment of so much money as such half part shall amount to, as fully and effectually as if the same had been actually paid to any such landlord or landlords in part of the rent due from such tenant.

Justices to make provision for paying money borrowed within a limited time.

XVI. Provided always, and be it further enacted, That the justices of the peace in their respective quarter sessions shall and they are hereby required to make provisions, by means of the rates (which they are hereby authorized to make), and by their orders and directions (which they are hereby authorized to give), in such manner that the whole money to be borrowed under the authority of this act shall be fully paid and discharged within a time to be limited, not exceeding fourteen years from the time of borrowing the same.

Bodies politic, guardians, &c. may convey lands.

XVII. And be it further enacted, That it shall and may be lawful for the King's most excellent Majesty, his heirs and successors, and for all bodies politic and corporate, and also for guardians, committees, husbands, trustees, and attorneys of any person or persons, being infants, lunatics, idiots, under coverture or any other disability, and also for all other persons who are or shall be seised, possessed of, or interested in any houses, buildings, lands, tenements, hereditaments, easements, and privileges which shall be deemed necessary for the purposes of this act, to contract and agree for, and to sell, convey, and assure such houses, buildings, lands, tenements, hereditaments, easements, and privileges, unto such person or persons as shall be named by the visitors, in trust and for the purpose of erecting or providing such county lunatic asylum, and the yards, courts, and outlets thereunto belonging; and all such contracts, agreements, sales, conveyances, and assurances shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage, or custom to the contrary notwithstanding.

Application of money to be paid for the purchase of land, &c.

XVIII. And be it further enacted, That all sums of money which shall be agreed to be paid to any corporation, guardian, committee, husband, trustee, or attorney, for or on behalf of any infants, lunatics, idiots, femmes covert, or cestuique trusts,

or to any other person or persons whose houses, buildings, lands, tenements, hereditaments, easements, and privileges shall be limited in settlement, for the purchase of any such lands, tenements, and hereditaments, shall, in case such sums of money shall exceed the sum of one hundred pounds, be laid out by such corporations, guardians, committees, husbands, trustees, attornies, or any person or persons seised or possessed of such houses, buildings, lands, tenements, hereditaments, easements, or privileges so limited in settlement, as soon as conveniently may be, in the purchase of lands, tenements, and hereditaments in fee simple, to be conveyed to or to the use of such corporations, guardians, committees, husbands, trustees, or attornies, and to and for such person or persons, and for such estate or estates, and to, for, and upon and subject to such uses, limitations, remainders, and contingencies as the houses, buildings, lands, tenements, hereditaments, easements, or privileges, for or in respect whereof such purchase money shall be paid as aforesaid, shall be limited, settled, and assured at the time such purchase or contract shall be made in manner aforesaid, or such as shall then be capable of taking effect, the charges of such conveyances and settlements to be paid in the same manner as the other expences relating to the county lunatic asylum; and in the meantime, and until such purchase or purchases shall be made, such money, whether the same shall or shall not exceed the sum of one hundred pounds, shall be laid out by such corporations, or other persons for the time being interested therein, in some government securities, in the names of two persons, one to be nominated by the party or parties for the time being interested therein, and the other by the visitors aforesaid; and the interest arising from such securities shall be paid to such person or persons respectively as would have been entitled to the rents and profits of such lands, tenements, hereditaments, easements, and privileges, in case the same had not been sold, or would for the time being be entitled to the rents and profits of such lands, tenements, and hereditaments so to be purchased, in case the same were purchased and settled as aforesaid.

XIX. And be it further enacted, That in case the body or person to whom any sum of money shall be contracted to be paid for the purchase of any lands, tenements, or hereditaments, for the purposes of this act, shall not be able to make a good title to the premises, to the satisfaction of the said visitors, or shall refuse to execute a conveyance or assignment thereof, or in case the person to whom any sum or sums of money shall be so contracted to be paid as aforesaid cannot be found, or be not known or discovered, then it shall be lawful for the said visitors to pay the said sum of money into the Bank

In case of no making out title, or if persons cannot be found, purchase money to be paid into the Bank.

England, in the name and with the privity of the accountant general of the court of exchequer, to be placed to his account to the credit of the party, if known, who shall be interested in the said lands, tenements, or hereditaments, (describing such tenements or hereditaments,) but if not known, then to the credit of the said visitors, subject to the order, controul, or disposition of the said court of exchequer; which said court, on the application of any body or person making claim to any such sum of money, or any part thereof, by motion or petition, shall be and the same is hereby empowered, in a summary way of proceeding or otherwise, as to the same court shall seem meet, to order the same to be laid out and invested in the public funds, or to order distribution thereof, on payment of the dividends thereof, according to the respective estate or estates, title, or interest of the body or person making claim thereunto, and to make such other order in the premises as to the said court shall seem just and reasonable; and the cashier or cashiers of the Bank of *England* who shall receive such sum of money is and are hereby required to give a receipt for such sum of money, specifying for what the same is received, to such person as shall pay any such sum of money into the Bank as aforesaid.

If person entitled to lands, &c. cannot be found, or refuse to execute a conveyance thereof, upon payment of the money into the Bank, such lands, &c. to vest in the clerk of the peace of the county, freed of all claims.

XX. And be it further enacted, That if any body or person seised or possessed of or interested in any lands, tenements, or hereditaments, or share or shares, estate or estates, interest or interests therein, or charge or charges thereon, as aforesaid, cannot be found, or shall not be known, or shall not be able to made a good title to the premises to the satisfaction of the said visitors, or shall refuse to execute a conveyance or conveyances thereof, then and in any of such cases, upon payment of such sum of money as shall have been contracted and agreed to be paid for the purchase of the same premises into the Bank of *England*, as herein-before directed (in case the same shall be requisite), for the use of such person so interested or entitled as aforesaid, such tenements or hereditaments, or parts, shares, estates, interest, or charges, and the fee simple and inheritance thereof, together with the yearly profits thereof, and all the estate, right, title, interest, use, trust, property, claim, and demand, in law and equity, of the body or person, or unknown person, to whose credit such money shall be paid, in, to, and out of the tenements, hereditaments, and premises to be purchased as aforesaid, shall from thenceforth vest in the clerk of the peace for the time being, and his successors in office, of the county in which such lands, tenements, and hereditaments shall be situated, who shall be deemed in law to be in the actual seisin and possession thereof, to all intents and purposes, freed and discharged from all former and other es-

ates, rights, titles, and interests, claims and demands, as fully and effectually as if every body or person having any estate in the premises had actually conveyed the same by lease and release, bargain and sale enrolled, feoffment with livery of seisin, fine, common recovery, or any other conveyance or assurance whatsoever; and such payment shall not only bar all right, title, interest, claim, and demand of the body or person, or unknown person, of, in, or to the same premises, to whose credit such payment or tender shall have been made, but also shall extend to bar the dower and dowers of the wife of such person, and all estates tail and other estates in possession, reversion, remainder, expectancy, or contingency, and the issue and issues of such person, and every other person whomsoever; and the same premises shall and may be thereupon made use of and employed for the purposes of this act, according to the directions of the said visitors, and under the regulations of this act.

XXI. Provided always, and be it further enacted, where any question shall arise touching the title of any body or person to any money to be paid into the Bank of *England*, in pursuance of this act, for the purchase of any houses, buildings, lands, tenements, or hereditaments, or part thereof, or of any estate, right, title, charge, or interest in, to, or upon any tenements or hereditaments to be purchased or taken in pursuance of this act, or to any bank annuities to be purchased with any such money, or to the dividends or interest thereof, the body or person who shall have been in the possession of such houses, buildings, lands, tenements, or hereditaments, parts, shares, estates, interests or charges, at the time of such purchase, and all bodies or persons claiming under such body or person, or under the possession of such body or person, shall be deemed and taken to have been lawfully entitled to such houses, buildings, lands, tenements, and hereditaments, parts, shares, estates, interests, or charges, according to such possession, until the contrary shall be shown to the satisfaction of the said court of exchequer; and the dividends or interest of, and the capital of the bank annuities to be purchased with such money, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said court that such possession was a wrongful possession, and that some other body or person was lawfully entitled to such houses, buildings, lands, tenements, or hereditaments, part or parts thereof, or some estate or interest therein, or charge thereon.

Persons in possession deemed entitled, unless the contrary be shown.

XXII. Provided also, and be it further enacted, That where by reason of any disability or incapability of the body or corporation or other person entitled to any houses, buildings, lands, tenements, or hereditaments, or part thereof, or share, The court may order reasonable expenses of purchase to

be paid by the treasurer of the county, and charged to the county rate.

estate, or interest therein, or charge thereon, to be purchased or taken under the authority of this act, the purchase money for the same shall be required to be paid into the Bank of *England*, in the name and with the privity of the accountant general of the court of exchequer, and to be applied in the purchase of other lands, tenements, or hereditaments, to be settled to the like uses in pursuance of this act, it shall be lawful for the said court to order the expences of all purchases to be made in pursuance of this act, or so much thereof as the said court shall deem reasonable, to be paid by the treasurer of the county, who shall pay such sums of money for such purposes as the said court shall direct, and charge the same to the county rate.

Money to be paid before any use made of the premises.

XXIII. Provided always, and be it further enacted, That all sums of money to be paid pursuant to any such agreement as aforesaid, shall be paid or tendered to the party entitled to the same, or into the Bank of *England* as herein mentioned, before the said visitors, or any person authorized by them, shall proceed to take possession of any lands, tenements, or hereditaments comprised in or affected by such agreement, or to use the same for any of the purposes of this act.

Commissioners of woods and forests, with consent of treasury, &c. may grant sites for building.

XXIV. And be it further enacted, That it shall and may be lawful for the commissioners of his Majesty's woods, forests, and land revenues, by and with the consent of the lord high treasurer of the united kingdom of *Great Britain and Ireland*, or the commissioners of his Majesty's treasury of the united kingdom of *Great Britain and Ireland*, or any three or more of them, in writing, or for his Majesty, by any grant signed by the chancellor of the duchy of *Lancaster* for the time being, or for the duke of *Cornwall*, by any grant signed by the chancellor of the duchy of *Cornwall* for the time being, to grant any lands, tenements, and hereditaments, as and for a site of a county lunatic asylum, and to be used therewith; and the said visitors, and the persons to be appointed by them, and their successors, shall be and are hereby empowered and made capable of receiving and enjoying the benefit of any such grant for the use and purposes of this act.

Justices may purchase lands, notwithstanding the statute of mortmain.

XXV. And be it further enacted, That for the purposes of this act the said visitors shall have full power, capacity, and ability to accept and take from any person willing to give the same, or otherwise to purchase, take, hold, and enjoy, any lands, tenements, hereditaments, and any interest therein, and any money issuing out of or charged upon or to arise from the sale of lands, tenements, and hereditaments of and to any value and amount whatever; the statutes of mortmain, or any other

statute or law to the contrary thereof, in anywise notwithstanding.

XXVI. And be it further enacted, That in every case in which a county lunatic asylum shall be provided under the provisions of this act, it shall be lawful for the major part of the justices of the peace of any county or counties united under this act (such major part not being less than five), present at any quarter sessions of the peace, or any adjournment thereof, to be held for such county or counties, from time to time to fix and limit the sums which may be expended on the purchase of lands or houses, or in the erection of new buildings, or in the extension or alteration of existing buildings, for the purpose of such county lunatic asylum, or the yards, outlets, or courts thereunto belonging, as well on the first establishment of such county lunatic asylum as at any time during its continuance; and it shall not be lawful for the committee of visitors appointed for the building, erection, and management of such county lunatic asylum, to enter into any contract or contracts for the purchase of lands or houses, for the erection of new buildings, or for the extension or alteration of existing buildings, for the purpose of such county lunatic asylum, or the yards, outlets, and courts thereunto belonging, at a sum or sums which may in the whole exceed the sum so from time to time limited and appointed by the justices assembled in sessions as aforesaid; and no contract so entered into by such visitors shall be held to be valid or legal.

Justices to fix sums to be expended on purchase of land and houses, &c. or in erecting buildings.

XXVII. And be it further enacted, That it shall and may be lawful for, and the said visitors, with the previous consent of the major part of the said justices assembled in sessions, shall have full power and authority to take a demise or grant of any houses, buildings, lands, tenements, or hereditaments, on the site or sites of which it shall be proposed to erect or maintain any such county lunatic asylum, at a rent in the nature of fee farm rent; but such grant or demise shall contain a power for such justices to purchase the fee simple, free from incumbrances, on payment of any agreed sum, not to exceed thirty years purchase of the rent reserved.

Visiting justices may rent premises for erecting a lunatic asylum.

XXVIII. And be it further enacted, That when any county lunatic asylum so provided or so to be provided for any county or counties, or any part thereof, or any addition to any county lunatic asylum already provided, shall be situate within the limits of any other county, then and in every such case the justices of the peace for the county or counties to which such county lunatic asylum shall belong shall have full power and authority to act therein, so far as concerns the regulation of

If asylum be situate in any other county, justices of the county or counties to which it belongs may act therein.

the same, in the like manner as if such county lunatic asylum, or the additions thereto, were situate within the bounds of their respective counties.

Assessment to rates not to be increased by reason of purchases of land under this act.

XXIX. And be it further enacted, That in all future rates, taxes, and levies to be made for any parish or place in which any land or ground already purchased or to be purchased under the provisions of this or any former act, for the purposes of any county lunatic asylum, shall be situate, such land or ground, with any buildings to be erected thereon, shall not be assessed to any such rates, taxes, or levies, at a higher value and more improved rent than the same land or ground was at the time of such purchase; nor shall any building or buildings, which under this or any former act has been or shall be erected on such land, be assessed to any house or window tax; any act or acts to the contrary notwithstanding.

Visitors to make regulations and appoint officers;

XXX. And be it further enacted, That in all cases where any such county lunatic asylum shall have been established under the authority of this act, or any former act or acts, the major part of the visitors appointed as aforesaid to superintend the same, present at a meeting duly summoned, such major part not being fewer than three, shall from time to time make such regulations as to them shall seem expedient for the management and conduct thereof, in which regulations shall be set forth the number and description of officers and servants to be kept, the duties to be required, and what salaries respectively shall be paid to them, and may appoint a treasurer, and such other officers and servants, together with such number of assistants as they shall from time to time find necessary, in proportion to the number of persons confined in such county lunatic asylum, and may dismiss any such officer, servant, or assistant, if they see occasion; and shall from time to time fix a certain weekly rate to be paid for each person confined in such county lunatic asylum, which may be sufficient to defray the whole expence of the maintenance and care, medicine and clothing, requisite for such person, and the salaries of the officers and attendants: Provided always, that such rate shall in no case exceed fourteen shillings *per* week; and that the said visitors shall annually audit the accounts of the treasurer, and report the same to the next general quarter sessions of the peace to be holden for the counties at the expence of which such county lunatic asylum shall have been erected.

and to fix a weekly rate for maintenance of insane persons.

Rate not to exceed 14s. per week.

If rate be found insufficient, justices in quarter sessions may increase it.

XXXI. And be it further enacted, That if the aforesaid rate of fourteen shillings shall be found insufficient, it shall be lawful for the major part of the justices of the peace acting in and for the county or counties at whose expence such county

lunatic asylum shall have been established, present at any quarter sessions of the peace to be holden for such county or counties, or any adjournment thereof, (such major part not being less than seven,) to make such addition to such rate as to them shall seem fit and necessary, and to make an order accordingly; which order shall be signed by the clerks of the peace, or their deputies, on behalf of the court for their respective counties, and forthwith published in some newspaper circulated within the county or counties: and such additional rates shall be paid by the overseers of the poor of the parishes, townships, or places to which the insane persons in such county lunatic asylum respectively belong, in the same manner as is provided by this act with regard to the weekly rate from time to time to be fixed on by the visitors for the maintenance, medicine, clothing, and care of such insane persons.

XXXII. Provided always, and be it further enacted, That in every case where a county lunatic asylum shall be provided, a chaplain shall be appointed for the same, which chaplain shall be in full orders, and shall be licenced by the bishop of the diocese; and the said licence shall be revocable by the bishop whenever he shall think fit to withdraw it; and such chaplain shall perform on each *Sunday*, and on the great festivals, the divine service of our church, according to the forms by law established.

A chaplain to be appointed for every county lunatic asylum.

XXXIII. And be it further enacted, That such visitors may from time to time order all such repairs or other expences as may be necessary for such county lunatic asylum, and shall direct the same to be paid by an order upon the county treasurer where such county lunatic asylum shall be established by one county only, or shall apportion the same as afore-mentioned upon each county or lunatic asylum, when two or more county or counties and lunatic asylum are united, and shall make an order upon the treasurer of each of the said united counties, and treasurer of such asylum, for the payment of the proportion to be paid by such county or lunatic asylum, and that such treasurer shall immediately discharge the same out of any money which may then be in his hands, under the penalty of double such sum as he shall be directed to pay, to be recovered from him for the benefit of such county lunatic asylum, by action in any of his Majesty's courts at *Westminster*, by the treasurer of the said county lunatic asylum; provided that no order or determination to be made at any meeting of the visitors which shall be held under this act shall be made, nor unless due notice of such meeting shall have been previously given, according to the provisions of this act, or according to the rules and regulations made by the visitors; and that all

Visitors to direct repairs and make order upon the treasurers for payment of expences.

No order to be made by visitors unless the major part concur.

acts, orders, and proceedings which by this act are directed to be had, made, or done by or before the said visitors, and all the powers and authorities by this act vested in them generally, shall and may be made and done by the major part of such visitors present at the respective meetings to be held by virtue of this act, such major part not being fewer than three.

Clerk may
convene new
meetings of
visitors in
certain cases.

XXXIV. And be it further enacted, That if any committee of visitors of any county lunatic asylum shall neglect to adjourn any meeting held for the purposes of this act, or where any circumstances shall occur rendering the meeting of such committee necessary within the period to which their meeting may have been adjourned, it shall be lawful for the clerk to such committee to convene a new meeting by a circular letter to each member of such committee, informing him of the time and place of such meeting, ten days at least before the same shall be held.

Visitors may
sue in the
name of their
clerk, whose
death or re-
moval shall
not abate ac-
tions.

XXXV. And be it further enacted, That the said visitors may sue and be sued in the name of their clerk; and that no action that may be brought or commenced by or against the said visitors, or any of them, by virtue of this act, in the name of the clerk, shall abate or be discontinued by the death or removal of such clerk, or by the act of such clerk without the consent of the said visitors, or any five or more of them, but the clerk to the visitors for the time being shall always be deemed plaintiff or defendant in such action, as the case shall be.

Justices at
petty sessions
to require
overseers to
make returns
of insane per-
sons yearly.

XXXVI. And be it further enacted, That the justices of the peace acting in and for any county within *England*, at their several petty sessions which shall be held next after the fifteenth day of *August* in each year, shall and they are hereby required to issue their warrants to the overseers of the poor of the parishes within their respective subdivisions, in the form in the schedule hereunto annexed (No. 3.), to return lists of all insane persons chargeable to their respective parishes, specifying the name, sex, and age of each insane person, and whether such insane person be dangerous or otherwise, and for what length of time they have been disordered in their senses, and where confined, or how otherwise disposed of; and the overseers of the poor as aforesaid shall, on the receipt of such warrants, forthwith prepare such lists accordingly, in the form in the schedule hereunto annexed (No. 4.), and such lists shall be verified on oath before any one justice of the peace, and, accompanied with a certificate as to the state and condition of every insane person from a physician, surgeon, or apothecary, shall within fifteen days be transmitted by such overseer to the clerk of the peace acting in and for such coun-

ty, or his deputy, to be by him laid before the justices acting for such county at their next general quarter sessions; and any overseer of the poor to whom any such warrant shall have been directed and delivered, who shall not return such list so verified on oath, and so accompanied with such certificate as aforesaid, shall for every such offence be subject to a fine not exceeding ten pounds, to be levied by warrant of distress, under the hands and seals of two justices of the peace; and it shall be lawful for such overseers of the poor, and they are hereby required, to defray the necessary expences of the examination of such insane persons by a physician, surgeon, or apothecary, out of the poor rates of the parish, township, or place to which such insane persons respectively belong, or where the legal settlement of such insane person shall not have been ascertained, then out of the poor rates of the parish, township, or place in which such insane person shall reside.

Penalty on overseers neglecting to make such returns.

XXXVII. And be it further enacted, That if any overseer of the poor of any parish or place to which any insane person shall be chargeable, shall for the space of seven days wilfully neglect to give information of the state of such person to some justice of the peace acting within the division of the county within which the said parish or place is situate, he shall for every such offence forfeit and pay a sum of money not exceeding ten pounds nor less than forty shillings, (half to the informer and half to the treasurer of the county, to be by him placed to the credit of the county,) to be recovered by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of any two justices of the peace for the county in which such parish or place is situate.

Penalty on overseer neglecting to give notice to justice of the peace of the state of insane persons.

XXXVIII. And be it further enacted, That upon its being made known to any justice of the peace of any county, that a poor person chargeable to any parish or place within such county is deemed to be insane, either by notice from the overseer of such parish or otherwise, it shall be lawful for the said justice, by an order under his hand and seal, if he shall so think fit, to require the overseer of the poor of the said parish or place to bring the said insane person before any two justices of the peace of the said county, at such time and place as shall be appointed by the said order; and the said justices are hereby required to call to their assistance a physician, surgeon, or apothecary, at the charge of the said parish or place; and if upon view and examination of the said poor person, or from other proof, the said justices shall be satisfied that such poor person is insane, the said justices shall make inquiry into the place of last legal settlement of such insane person; and it shall be lawful for them, if they shall so think fit, by an

When any poor person is deemed to be insane, one justice may require the overseers to bring such person before two justices, who, upon due examination, may cause him or her to be sent to the lunatic asylum or licensed house.

Justices to make order for the payment of the charges of conveying and maintaining such person.

Insane persons not to be removed without justice's order, unless cured.

Overseer to deliver to the keeper a certificate of examination.

Visitors may deliver any pauper to his relatives or friends, upon their undertaking that

order under their hands and seals, directed to the said overseer of the poor, according to the form in the schedule (5.) annexed to this act, to cause the said poor person to be conveyed to and placed in the county lunatic asylum established under the directions of this or any former act, for the county, or district of united counties, for which or any of which they shall act, and if no such county lunatic asylum shall have been established, then to some public hospital or some house duly licensed for the reception of insane persons; and it shall be lawful for the said or any other two justices of the peace of the said county, from time to time, as occasion may require, to make order on the overseer of the parish or place wherein such last legal settlement shall be adjudged to be, for the payment of all reasonable charges of conveying such poor person to such county lunatic asylum, public hospital, or licensed house; and if such poor person shall be conveyed to such county lunatic asylum or public hospital, for the payment of such weekly sum to the treasurer of such county lunatic asylum, or proper officer of such public hospital respectively, as shall be from time to time fixed upon by the visitors of such county lunatic asylum, or as may be required by the regulations of such public hospital; or if such poor person shall be conveyed to such licensed house, for the payment of such weekly or monthly sum to the keeper of such licensed house, for the maintenance, medicine, clothing, and care of such poor person, as such keeper shall be willing to accept, and as shall appear to the said justices to be a reasonable charge in that behalf; and the said last-mentioned overseer shall not remove such poor person from the said house, without an order for that purpose made by two justices of the peace for the county in which such house shall be situated, after due inquiry into the circumstances of the case, unless such person shall have been discharged as cured: Provided always, that the overseer or other person so conveying such insane person to such county lunatic asylum, public hospital, or licensed house as aforesaid, shall and is hereby required to deliver a certificate from the physician, surgeon, or apothecary so called to the assistance of the justices as aforesaid, which certificate such physician, surgeon, or apothecary is hereby required to give, according to the form in schedule (6.) annexed to this act, to the superintendent of such county lunatic asylum or public hospital, or keeper of such licensed house, as the case may be.

XXXIX. And be it further enacted, That in every case where application shall be made to the visitors of any county lunatic asylum, by any relative or friend of a pauper lunatic patient confined therein, requiring that he may be delivered over to his custody and care, it shall and may be lawful for

the visitors aforesaid, if they shall think fit, upon the undertaking of such relative or friend as aforesaid, to the satisfaction of the overseers of the parish to which such pauper lunatic belongs, that he shall be no longer chargeable to such parish, to discharge such pauper lunatic.

he shall be no longer chargeable.

XL. Provided always, and be it further enacted, That a medical practitioner, to be duly authorized and appointed at the charge of any parish, shall, with the consent of the overseers or guardians and directors of the poor of such parish, have liberty, eight times in every year, between the hours of eight in the morning and six in the evening, to visit and examine such pauper patient belonging to the said parish as shall be confined in the public hospital, county lunatic asylum, if any such county asylum shall have been established, or in the house duly licensed for the reception of insane persons, within which any pauper patient belonging to such parish shall be confined, and to report to such overseers, guardians or directors of the poor the result of such inspection and examination.

Medical practitioners appointed by parishes may visit eight times in the year pauper patients confined in any public hospital, &c.

XLI. And whereas it sometimes happens that the place of legal settlement of such insane persons cannot be ascertained; be it enacted, That in every such case it shall be lawful for the said justices, by their said warrant, to direct such person to be confined in the county lunatic asylum for the county, or district of counties, within which such person shall have been found, if any such county lunatic asylum shall have been established, and if no such county lunatic asylum shall have been established, in some public hospital or house duly licensed for the reception of insane persons as aforesaid, and to direct that the reasonable charges for the removal, maintenance, medicine, clothing, and care of such person shall be satisfied and paid by the treasurer of the county within which such person shall be found, out of the county rates, by order of two justices to him directed for that purpose.

Where the legal settlement of lunatics cannot be discovered, justices shall send them to the asylum or other place of confinement for the county where found.

XLII. Provided always, and be it further enacted, That where the legal settlement of any insane person, confined under any order of any two justices at any county lunatic asylum, public hospital, or any licensed house, has not been ascertained, it shall and may be lawful for any two justices acting in and for the county in which such county lunatic asylum, public hospital, or licensed house is situate, at any time to enquire into the last legal settlement of such insane person; and if satisfactory evidence can be obtained as to such settlement, it shall and may be lawful for such justices to make an order upon the overseers of the parish or township where such last

If settlement has not been ascertained, two justices may inquire respecting the same, and if satisfied may make order for payment of the expences.

legal settlement of such insane person shall be adjudged to be, for the repayment of the reasonable charges of the removing, maintenance, medicine, clothing, and care of such insane person, incurred within twelve calendar months previous to the date of such order, such charges having been first proved to the satisfaction of such justices, and the amount thereof being set forth in such order; and it shall and may be lawful for the said or any other two justices of the peace of the said county, to provide for the future expences necessary for the maintenance, medicine, clothing, and care of such insane person, in the manner as has been herein-before directed for the two justices before whom such person was originally examined.

Justices of the county in which an asylum is situate may make orders upon overseers of any other county jointly maintaining.

XLIII. And be it further enacted, That in all cases where two justices are empowered to make an order on the overseer or overseers of any parish, for the payment of reasonable charges of conveyance of pauper lunatics, or for the payment of weekly or monthly sums for the maintenance, clothing, and care of such poor persons, it shall be lawful for two justices of the county in which such county lunatic asylum shall be situate to make such order on the overseer or overseers of any other county which shall jointly maintain such asylum.

If persons are wandering about and deemed to be insane, although not chargeable, justices may proceed as in case of persons chargeable, and make order for maintenance

XLIV. And be it further enacted, That upon its being made known to any justice of the peace that any person wandering about and at large within his jurisdiction is deemed to be insane, it shall be lawful for such justice, by an order under his hand and seal, if he shall so think fit, to require the constable or churchwardens and overseers of the poor of the parish or place where such person is found, or some of them, to bring the said person before any two justices of the peace of the said county, at such time and place as shall be appointed by the said order; and the said justices are hereby required to call to their assistance a physician, surgeon, or apothecary, at the charge of the said parish or place; and if upon examination of such person deemed to be insane, or from other proof, the said justices shall be satisfied that such person is so far disordered in his senses that it is dangerous for such person to be permitted to go abroad, the said justices shall make inquiry into the circumstances and place of last legal settlement of such insane person, and it shall be lawful for such justices to proceed in such case in the same manner as has herein-before been directed in the case of a person chargeable to any parish within the jurisdiction of the said justices: Provided always, if it shall appear to the said or any other two justices, upon inquiry, that such person hath an estate more than sufficient to maintain his or her family, they shall, by order under their hands and seals, direct the over-

If the estate of the insane person shall be sufficient, overseers may

seers or churchwardens of any parish or place where any levy for their goods, chattels, lands, or tenements of such person shall be, to seize and sell so much of the goods and chattels, or receive so much of the annual rent of the lands and tenements of such persons, as is necessary to pay the charges of removal, maintenance, clothing, medicine, and care of such insane person, accounting for the same at the next quarter sessions, such charges having been first proved to the satisfaction of such justices, and the amount thereof being set forth in such order: Provided always, that nothing herein contained shall be construed to extend to restrain or prevent any relation or friend from taking such insane person under their own care and protection.

XLV. Provided always, and be it enacted, That if any justice of the peace shall refuse to make an order for the conveyance of any insane person to any county lunatic asylum, or licensed house for the reception of insane persons, on the application of any overseer of the poor for such purpose, he shall deliver to the said overseer his reasons in writing for such refusal. Justice refusing to make order shall give his reasons in writing.

XLVI. Provided also, and be it enacted, That if any person shall feel aggrieved by any order, or by any refusal of an order, of any justice or justices as aforesaid, such person may appeal to the justices of the peace at the next quarter sessions of the peace to be holden in and for the county where the matter of appeal shall have arisen, the person so appealing having given to the justice or justices against whom such appeal shall be made ten days notice of his or her intention to make such appeal; and the said justices at such sessions are hereby authorized and required to hear and determine the matter of such appeal in a summary way, and to make such determination as they shall think proper; and every such determination shall be final and conclusive to all intents and purposes whatsoever. Persons aggrieved may appeal to the quarter sessions.

XLVII. Provided always, and be it enacted, That every justice who shall have issued an order for the conveyance of any insane person to such county lunatic asylum, public hospital, or licensed house, or who shall have refused to issue such order, on the application of the overseer of the poor of any parish, shall make a regular return to the next general quarter sessions of the peace to be holden in and for the county in which such parish shall be situate, of all such cases brought before him, stating in all cases of refusal the reasons thereof; and such returns shall be regularly fled, and kept among the records of such court of general quarter sessions. Justices to make return to the quarter sessions of the cases brought before them.

Sums directed to be paid by overseers to be levied by distress if overseers shall neglect to pay.

XLVIII. And be it further enacted, That if the overseer for the time being of any parish, upon whom any order of justices for the payment of money under the provisions of this act shall have been made, shall, for the space of twenty days next after due notice of such order, refuse or neglect to pay the sums so ordered to be paid, the said sums, together with the expences of recovering the same, shall be recovered by distress and sale of the goods of the overseer so refusing or neglecting, or any of them, by warrant under the hands and seals of any two justices of any their respective counties.

Bastards of lunatics to have the legal settlement of the mother.

XLIX. And be it further enacted, That no bastard child which shall be born of any insane person in any such county lunatic asylum shall hereby gain a settlement in the parish in which such county lunatic asylum shall be situated, but that the place of the legal settlement of any such child so born as aforesaid shall be in the parish where the mother of such child was last legally settled.

Lunatic asylums not to be liable to the reception of lunatics chargeable to any place which does not contribute to the expence.

L. Provided always, and be it further enacted, That nothing in this act contained shall extend or be construed to extend to render any county lunatic asylum which may be provided under the authority of this act, for the use of any county or united counties, liable to the reception of insane persons who may be chargeable to or apprehended in any city, town, precinct, parish, township, or place situate within the limits of such county or united counties, but claiming exemption and being exempt from contributing to the county rate, unless such city, town, precinct, parish, township, or place shall have agreed to unite, and shall thereby have contributed to the expence of the same.

When any asylum can accommodate more lunatics, visitors may order an addition, whether paupers or not, under certain regulations.

Ll. Provided always, and be it further enacted, That whenever it shall appear to the visitors of any county lunatic asylum, that the space within such county lunatic asylum is more than sufficient for the accommodation of insane persons, being paupers, within the districts for which such county lunatic asylum shall have been built, it shall and may be lawful for such visitors to make order for the admission of so many insane patients as to them shall seem expedient, not being pauper or criminal, or being paupers, but belonging to any other county, or to any parish, township, or place within the county or counties by which such county lunatic asylum shall have been provided, exempt from contributing to the county rate of such county or counties, and which shall not have united with such county or counties, or contributed to the expence of such erection, under the conditions and regulations following; (that is to say), that no such insane patient shall

be admitted into such county lunatic asylum without an order signed by one visitor, directed to the governor or superintendent of such county lunatic asylum, nor without the certificate, in writing, of a physician, surgeon, or apothecary, certifying the insanity of such patient, nor without an undertaking, signed by two substantial householders, or the minister and one of the churchwardens, or the minister and one of the overseers of the poor of the parish or place to which such insane person shall belong, for the due payment of the weekly allowance, and other expences contingent upon the maintenance and care of such insane person during his or her continuance in such county lunatic asylum, as well as for the removal of such insane person from such county lunatic asylum within three days after due notice given, in writing, by the governor or superintendent of such county lunatic asylum, under the penalty of fifty pounds, to be recovered and applied as other penalties are directed to be recovered and applied by virtue of this act: Provided always, that the weekly provision for the maintenance of such patients, not being paupers, shall be fixed by the visitors at such rate as shall in their judgment be sufficient to cover every expence liable to be incurred on account of each patient.

Provision for maintenance of patients not being paupers.

LII. And be it further enacted, That all insane persons committed to such county lunatic asylum shall be safely kept, and that no such person shall be suffered to quit the said county lunatic asylum, or to be at large, until the major part of the visitors of such county lunatic asylum, present at a meeting duly convened under the authority of this act, not being less than three, shall order the discharge of such person, and shall signify the same in writing under their hands and seals, or until any two visitors shall, by and with the advice and consent of the physician, surgeon, or apothecary usually attending in such county lunatic asylum, discharge from such county lunatic asylum any lunatic confined therein, whose perfect recovery may be certified by the said physician, surgeon, or apothecary, by the like order under their hands and seals; and that if any officer, servant, or assistant in such county lunatic asylum shall, notwithstanding, through neglect or connivance, permit such person in any case to escape and be at large, without such order as aforesaid, he or she shall for every such offence forfeit and pay a sum not exceeding forty pounds nor less than forty shillings, to be recovered by distress and sale of the offenders goods and chattels, by warrant under the hands and seals of any two justices of the peace acting for the county in which such county lunatic asylum shall be situated, which warrant such justices are hereby required to grant upon the confession

Penalties on persons having lunatics in their care suffering them to go at large without an order from the justice..

of the party, or upon the information of any witness or witnesses upon oath, which oath such justices are hereby empowered to administer; and the said penalty, after the charges of recovering the same shall be deducted, shall be paid, one moiety to the informer, and the other moiety to the treasurer of the said county lunatic asylum, to be applied to the use of the same.

Expence of removal of paupers from asylums.

LIII. And be it further enacted, That on the regular discharge of any pauper from any such county lunatic asylum, public hospital, or licensed house, the necessary expences attending the removal of such pauper shall be borne by the parish in which such pauper shall be legally settled; and such expences, being proved to the satisfaction of and allowed by two justices of the peace acting in and for the county in which such parish, county lunatic asylum, public hospital, or licensed house shall be situated, shall be paid by the overseers of the poor of such parish out of the money raised therein for the relief of the poor.

Where persons charged with offences are insane, justices to inquire into their settlement, and make order for their maintenance.

LIV. And be it further enacted, That in all cases where any person shall be kept in custody as an insane person by order of any court, or by His Majesty's order subsequent thereunto, it shall and may be lawful for any two justices of the peace of the county where such person shall be so kept in custody, to inquire into and ascertain, by the best legal evidence that can be procured under the circumstances of personal legal disability of such insane person, the place of the last legal settlement, and the circumstances of such person; and if it shall not appear that he or she is possessed of sufficient property which can be applied to his or her maintenance, it shall and may be lawful for such two justices to make order, under their hands and seals, upon such parish where they adjudge him or her to be legally settled, to pay such weekly sum for his or her maintenance in such place of custody as one of His Majesty's principal secretaries of state shall, by writing under his hand, from time to time direct; and where such place of settlement cannot be ascertained, such order shall be made upon the treasurer of the county where such person shall have been apprehended; but if it shall appear that such person is possessed of such sufficient property as aforesaid, then such justices shall order and direct the same to be applied to pay and satisfy the expence of the maintenance of such person, in the manner hereinbefore directed: Provided always, that the churchwardens and overseers of the parish in which the justices, or the major part of them, shall adjudge any insane person to be settled, may appeal against such order to the general quarter

Appeal.

sessions of the peace to be holden for the county where such order shall be made, in like manner and under like restrictions and regulations as against any order of removal, giving reasonable notice thereof to the clerk of the peace of such county, who shall be respondent in such appeal; which appeal the justices of the peace assembled at the said general quarter sessions are hereby authorized and empowered to hear and determine, in the same manner as appeals against orders of removal are now heard and determined.

LV. And be it further enacted, That if any person while imprisoned in any prison or other place of confinement in *England*, under any sentence of imprisonment or transportation, shall become insane, and it shall be duly certified by two physicians or surgeons, that such person is insane, it shall be lawful for one of his Majesty's principal secretaries of state to direct, by warrant under his hand, that such person shall be removed to such county lunatic asylum, or other proper receptacle for insane persons, as his Majesty's said principal secretary of state may judge proper and appoint; and every such person so removed shall remain under confinement in such county lunatic asylum, or other proper receptacle as aforesaid, or in any other county lunatic asylum, or other proper receptacle, to which such person may be removed by any like order, until it shall be duly certified to one of his Majesty's principal secretaries of state, by two physicians or surgeons, that such person has become of sound mind; whereupon his Majesty's said secretary of state is hereby authorized, if such person shall still remain subject to be continued in custody, to issue his warrant to the keeper or other person having the care of any such county lunatic asylum, or other proper receptacle as aforesaid, directing that such person shall be removed back from thence to the prison or other place of confinement from whence he shall have been taken; or if the period of imprisonment or custody of such person shall have expired, that he shall be discharged.

Persons convicted of offences becoming insane during imprisonment, may be removed to a county asylum by order of the secretary of state.

LVI. And be it further enacted, That the visitors of each county lunatic asylum shall, within one month previous to the first day of *June* in every year, prepare a report of the patients confined therein, or who shall have been confined therein within the twelve months preceding, according to the form in schedule No. 7, hereunto annexed; of which report a transcript shall be transmitted by the clerk of the visitors to his Majesty's principal secretary of state for the home department; and the clerk of such visitors shall

Visitors of county asylums to prepare a report yearly of the patients confined therein, a copy of which to be sent to the secretary of state and to the clerk of

the commissioners under
9 G. 4. c. 41.

transmit a copy of such report to the clerk of the commissioners appointed under an act of the present session of parliament, intituled *An Act to regulate the care and treatment of insane persons in England*, who shall enter the same in a register to be kept by him for that purpose, and the names of all such patients mentioned in such report shall be by him entered in one general alphabetical list, together with a reference to the county lunatic asylum from whence such reports shall have been respectively transmitted.

Secretary of
state may
employ any
person to
inspect any
county asy-
lum.

LVII. And be it further enacted, That it shall be lawful for his Majesty's principal secretary of state for the home department, if he shall see fit, to employ any medical or other person to inspect and inquire into the state of any county lunatic asylum, and to report to him the result of such inspection and inquiry; every such medical or other person so employed shall be paid such sum of money for his attendance and trouble as to his Majesty's said principal secretary of state for the home department shall seem an adequate and reasonable allowance; and such expense shall be defrayed in the same manner and from the same funds as the other expenses attending the county lunatic asylum so visited.

Not to extend
to Bethlehem
hospital.

LVIII. Provided always, and be it further enacted, That nothing in this act shall be construed to extend to the royal hospital of *Bethlehem*.

For recovery
of penalties

LIX. And be it further enacted, That all complaints and informations of and for offences against this act, or any order to be made in pursuance thereof, except in cases where the manner of hearing and determining thereof is hereinbefore otherwise directed, shall and may be made before one or more justice or justices of the peace for the county or place wherein the offence shall be committed, and such justice or justices is and are hereby authorized and empowered to take cognizance thereof, and to summon the person or persons complained of to appear before him or them, or upon complaint upon oath to issue his or their warrant or warrants for the apprehension of any such person or persons, and upon appearing or not appearing of such person or persons pursuant to such summons, or upon such person or persons being apprehended with such warrant, to hear the matter of every such complaint and information, by examination of any witness or witnesses upon oath, and to make such determination thereon as such justice or justices shall think proper; and upon conviction of any person such justice or justices shall and may issue a warrant, under his or their

hand and seal or hands and seals, for levying the fine, penalty, or forfeiture, by virtue of this act imposed for such offence, by distress and sale of the goods and chattels of the person so convicted; and it shall and may be lawful for any such justice or justices to order any person so convicted to be detained and kept in the custody of any constable or other peace officer until return can be conveniently made to such warrant of distress, unless the said offender shall give sufficient security, to the satisfaction of such justice or justices, for his appearance before the said justice or justices on such day as shall be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security, and which security the said justice or justices is and are hereby empowered to take by way of recognizance or otherwise; but if upon the return of such warrant of distress it shall appear that no sufficient distress can be had thereupon to levy the said penalty or forfeiture, and such costs and charges as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such justice, either by the confession of the offender or offenders or otherwise, that the offender or offenders hath or have not sufficient goods and chattels whereon such penalties, forfeitures, fines, costs, and charges may be levied, were a warrant of distress issued, such justice shall not be required to issue such warrant of distress, and thereupon it shall be lawful for such justice or justices, and he or they is and are hereby authorized and required, by warrant under his or their hand and seal or hands and seals, to commit such offender to the common gaol or house of correction for any term not exceeding three calendar months, unless such penalty or forfeiture, and all reasonable charges attending the recovery thereof, shall be sooner paid and satisfied; and all such fines, penalties, and forfeitures, when recovered, shall, where the application is not otherwise directed by this act, be paid into the hands of the overseers of the poor of the parish where the offence shall be committed; and the overplus, if any, arising from such distress and sale, after payment of the penalty, and the costs and charges attending the same, shall be returned, upon demand, to the owner of the goods and chattels so distrained.

Application
of penalties.

LX. Provided always, and be it further enacted, That any person or persons thinking himself, herself, or themselves aggrieved by any order or judgment made or given, or by the order or determination of any justice or justices of the peace, in pursuance of this act, may, within four calendar months after such order shall be made or given, complain to

Appeal to t
quarter ses-
sions.

the justices of the peace at the general or quarter sessions of the peace to be held in and for the county wherein the offence shall be committed, the person or persons appealing having first given at least fourteen days clear notice in writing of such appeal, and the nature and matter thereof, to the person or persons appealed against, and forthwith after such notice entering into a recognizance before some justice of the said county, with two sufficient sureties, conditioned to try such appeal, and to abide the order and award of the said court thereupon; and the said justices, upon due proof of such notice and recognizance having been given and entered into, shall, in a summary way, hear and determine such complaint at such general or quarter sessions of the peace to be held for the said county, or, if they think proper, adjourn the hearing thereof until the next general or quarter sessions of the peace to be held for the said county, and if they see cause may mitigate any forfeiture or fines, and may order any money to be returned which shall have been levied in pursuance of such order or determination, and shall and may also award such further satisfaction to be made to the party injured, or such costs to either of the parties, as they shall judge reasonable and proper; and all such determinations of the said justices shall be final, binding, and conclusive upon all parties, to all intents and purposes whatsoever.

Rule for interpretation of this act.

LXI. And, in order to remove doubts as to the meaning of certain words in this act, be it enacted, That the word "justice" shall be deemed to mean justice of the peace; and that the words "treasurer of the county" shall be deemed to include any officer in any county, riding, division of the county of *Lincoln*, liberty, county of a city, county of a town, cinque port, or town corporate, who has the custody of any funds assessed upon or raised in or belonging to any county, riding, division of the county of *Lincoln*, liberty, county of a city, county of a town, cinque port, or town corporate, in the nature of county rates, and applicable to the purposes to which county rates are applicable; that the word "visitor" shall be deemed to include any justice of the peace, or subscriber to any lunatic asylum supported by voluntary contributions, duly appointed according to the provisions of this act to superintend the providing, building, or management of any county lunatic asylum; that the words "insane person" shall be deemed to include any lunatic or idiot; and that the said words "justice," "treasurer of the county," "visitor," "insane person," and the words "clerk of the peace," and the words "overseer of the poor," and the word "churchwardens," shall each be deemed to include any person acting

as such, and any number of justices, treasurers, visitors, innkeepers, persons, clerks of the peace, overseers of the poor, and churchwardens, and the word "person" shall be deemed to include any number of persons; and the meaning of the said words shall not be restricted, although the same may be referred to in the singular number and masculine gender only; and that the word "apothecary" shall be deemed to mean a person authorized to practise as such under an act passed in the fifty-fifth year of King George the Third, intituled *An act for better regulating the practice of apothecaries in England and Wales*, and also an act passed in the sixth year of King George the Fourth, to amend and explain the aforesaid act of the fifty-fifth year of his late Majesty; and that the word "county" shall be deemed to include any county, riding, division of the county of *Lincoln*, liberty, county of a city, county of a town, cinque port, or town corporate; and the words "parish or place" shall be deemed to include any township, hamlet, tithing, vill, extra-parochial place, or any place maintaining its own poor; and that the words "general quarter sessions" shall be deemed to include any general annual sessions of the peace, or any adjournment thereof; and the words "county rate" shall be deemed to include any funds assessed upon or raised in or belonging to any county, riding, division of the county of *Lincoln*, liberty, county of a city, county of a town, cinque port, or town corporate, in the nature of county rates, and applicable to the purposes to which county rates are applicable; and that the meaning of the said several words shall not be restricted, although the same may be subsequently referred to in the singular number only, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

LXII. And be it further enacted, That this act and the several matters and things herein contained, shall commence and take effect from and after the first day of *August* one thousand eight hundred and twenty-eight, and not sooner.

Commence-
ment of act.

SCHEDULES referred to in this Act

No. 1.

FORM of AGREEMENT for uniting Counties, or Lunatic Asylums maintained by voluntary Contributions, *[as the case may be,]* of _____ and _____ for the Purpose of providing a Lunatic Asylum, or House for the Reception of Insane Persons, pursuant to the Statute of the _____ Year of King George the _____.

It is agreed, this _____ day of _____ by and between the committees of justices of the peace severally appointed for the county *[or committee of subscribers, as the case may be,]* of _____ to treat for the uniting of the said counties, or _____ Lunatic asylum, *[as the case may be,]* for the purposes of an act passed in the ninth year of his Majesty King George the Fourth, intitled *An Act [here insert the title of this act]*, that the said counties, &c, *[as the case may be]* shall from henceforth be united for the purposes of the said act, and adopt in all respects the provisions, rules, orders, and regulations, and comply with all the requisites prescribed by the said act for counties *[as the case may be]* uniting for those purposes, and that a county lunatic asylum, or house for the reception of lunatics and other insane persons, with all necessary buildings, courts, yards, and outlets, shall be immediately provided at or near _____ and properly fitted up and accommodated for the purposes mentioned in the said act; and that the necessary expenses attending upon the providing, building, fitting up, repairs, and maintenance of the said county lunatic asylum, shall be defrayed by the said county or counties and lunatic asylum, so united, in the following proportions; (that is to say,)

The county of _____ four ninths of the said expenses.

The county of _____ three ninths of the same.

The lunatic asylum of _____ two ninths of the same *[or as the case may be]*.

we do farther agree, that the committee of visitors to attend the building, erection, and management of the county lunatic asylum, shall be formed in the following manner: The justices of the peace for the said county of shall appoint, the justices of the peace for the county of shall appoint, and the subscribers to the lunatic asylum shall appoint. And unto we, the undersigned justices of the peace, being the part of each of the committees of justices for the said counties, and we, the undersigned, being the major part of the committee of subscribers to the lunatic asylum, do, in part and behalf of the said counties and lunatic asylum, with our hands and seals, this day of, in the year

No. 2.

of MORTGAGE and CHARGE upon the COUNTY RATES, for securing the Money borrowed.

of his Majesty's justices of the peace, and chairman of the court of quarter sessions of the peace of the county, &c. of the county of, holden at the day of, and her of his Majesty's justices of the peace acting for the county, &c. and assembled in the said court, in pursuance of the powers to us given by an act passed in the ninth year of the reign of his Majesty King George the Fourth, in the said Act [here insert the title of this act], do hereby in full court mortgage and charge all the rates to be raised by the said county, &c. [as the case may be], under the denomination of county rates, with the payment of the sum of which of hath proposed and agreed to lend, and now actually advanced and paid towards defraying the expenses of purchasing lands for building, repairing, &c. [as the case shall be] the county lunatic asylum for the said county, &c. or the united counties of, &c. [as the case may be] and we do hereby confirm and establish the same unto his executors, administrators, assigns, for securing the repayment of the said sum of and interest for the same after the rate of per centum per annum, and do or-

der the treasurer for such county, &c. or other person [*as the case shall be*], to pay the interest of the said sum of half-yearly, as the same shall become due, until the principal shall be discharged, pursuant to the directions of the said act.

No. 3.

FORM OF WARRANT. s. 30.

To the Overseers of the Poor of the parish of _____
in the County of _____ to wit.

WE, _____ and _____ two of his Majesty's justices of the peace in and for the county of _____ hereby require you, in pursuance of an act of parliament passed in the ninth year of the reign of his present Majesty King George the Fourth, intituled *An Act [here insert the title of this act]*, to make out a true list of all insane persons, being paupers, within the parish aforesaid, specifying the name, sex, and age of each insane person, and whether such insane person be dangerous or otherwise, and for what length of time such lunatics shall have been disordered in their senses, and where confined, or how otherwise disposed of; and you shall on the receipt of this warrant prepare such list according to the form hereunto annexed, and verify the same on oath before any one justice of the peace, and return the same, accompanied with a certificate from a physician, surgeon, or licensed apothecary, as to the state and condition of each insane person, to the clerk of the peace or his deputy; and on neglect to prepare such list, or to return the same within fifteen days to the clerk of the peace or his deputy, with such certificate as aforesaid, or to verify such list on oath, you will for every such offence be subject to a fine not exceeding ten pounds. And you are hereby required to take notice, that it shall be lawful for you to defray the necessary expenses of examination of such insane persons by a physician, surgeon, or apothecary, out of the poor rates of the parish.

Given under our hands and seals, this _____
day of _____ in the year of our Lord _____.

A. B. (L. s.)

C. D. (L. s.)

No. 5.

FORM OF WARRANT.

WHEREAS it appears to us, _____ of his Majesty's jus-
 tices of the peace for the county of _____, having
 called to our assistance _____ a physician, or sur-
 geon, or apothecary [*as the case may be*], that
 chargeable to the parish of _____
 in the said county, is lunatic, insane, or a dangerous idiot [*as
 the case may be*], you are hereby directed to cause the said
 _____ to be conveyed to the county lunatic
 asylum established at _____, or to the house of
 _____ situate at _____
 in the county of _____ the said house being a
 house duly licensed for the reception of insane persons.

Given under our hands and seals, this
 _____ day of _____

To the overseers of the poor of the }
 parish of _____ }

No. 6.

FORM OF CERTIFICATE.

I do hereby certify, That by the directions of _____
 _____ justices of the peace for
 the county of _____, I have personally examined
 _____ and that the said
 _____ appears to be of insane mind.

Dated this _____ day of _____

[10 Geo. 4. c. 6. s. 68.]

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters.

[23d March, 1829.]

Mode of recording soldier's settlement.

LXVIII. And be it enacted, That any justice in the united kingdom, within whose jurisdiction any soldier having a wife or child shall be billeted, may summon such soldier before him in the place where he is billeted, (which summons he is hereby directed to obey,) and take his examination in writing, upon oath, touching the place of his last legal settlement in *England*, and such justice shall give an attested copy of such examination to the person examined, to be by him delivered to his commanding officer, to be produced when required; which said examination and such attested copy shall be at any time admitted in evidence as to such last legal settlement before any justice or at any general or quarter sessions, although such soldier be dead or absent from the kingdom; provided that in case any soldier shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy thereof being produced by him or by any other person on his behalf, such soldier shall not be obliged to take any other oath with regard to his legal settlement, but shall leave a copy of such examination, or a copy of such attested copy of examination, if required.

[10 Geo. 4. c. 56. s. 1.]

An Act to consolidate and amend the Laws relating to Friendly Societies.

[19th June, 1829.]

Whereas it is expedient to amend the laws relating to friendly societies, and to consolidate the same in one act, and to make other provisions respecting friendly societies; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act passed in the thirty-third

33 G. 3. c. 54. year of his late Majesty's reign, intituled *An act for the encouragement and relief of friendly societies*; and also so much of an act passed in the thirty-fifth year of his said late Majesty's
35 G. 3. c. 111. reign, intituled, *An act for the more effectually carrying into ex-*

an act made in the thirty-third year of the reign of his pre-
 majesty intituled, ' *An act for the encouragement and relief of*
friendly societies,' and for extending so much of the powers thereof
 as relates to the framing rules and regulations for the better man-
 agement of the funds of such societies, and the appointment of
 officers, to other institutions of a charitable nature, as relates to
 friendly societies; and also an act passed in the parliament of
 Great Britain in the thirty-sixth year of his said late Majesty's reign,
 intituled *An act for the encouragement and relief of friendly so-* 36 G. 3. (1.)
 cieties; and also an act passed in the forty-third year of his
 said late Majesty's reign, intituled *An act for enabling friendly* 43 G. 3. c. III.
 societies, intended to be established under an act passed in the thirty-
 sixth year of the reign of his present Majesty, to rectify mistakes
 in the registry of their rules; and also an act passed in the 49 G. 3. c. 58.
 ninth year of his said late Majesty's reign, to explain and
 render more effectual the said recited act made in the parlia-
 ment of Great Britain in the thirty-sixth year of his said late Majes-
 ty's reign; and also an act passed in the forty-ninth year of
 his said late Majesty's reign, intituled *An act to amend an act* 49 G. 3. c. 125.
 made in the thirty-third year of his present Majesty, for the en-
 couragement and relief of friendly societies; and also an act pas-
 sed in the fifty-ninth year of his said late Majesty's reign, in-
 tituled *An act for the further protection and encouragement of* 59 G. 3. c. 128.
 friendly societies, and for preventing frauds and abuses therein;
 and so much of an act passed in the sixth year of the reign
 of his present Majesty, intituled *An act for consolidating and* 6 G. 4. c. 74.
 amending the laws relating to conveyances and transfers of estates
 in part re-
 in lands vested in trustees who are infants, idiots, lunatics, or
 repealed, ex-
 cept as herein
 stated.
 as of unsound mind, or who cannot be compelled or refuse to
 obey the laws relating to stocks and securities belonging to in-
 debted persons, idiots, lunatics, and persons of unsound mind, as relates to
 friendly societies, for the better security, or for the application,
 or payment, or transfer of any of the funds thereof; shall
 and the same are hereby repealed, except so far as any of
 the said acts repeal the whole or any part of any other acts,
 except as herein-after is excepted: Provided nevertheless,
 that such repeal shall not invalidate or affect any thing which
 has been done before the passing of this act in pursuance of
 the said acts.

[11 Geo. 4. c. 5. s. 1, 2.]

An Act to repeal the Provisions of certain Acts relating to the Removal of vagrant and poor Persons born in the Isles of Jersey and Guernsey, and chargeable to Parishes in England; and to make other Provisions in lieu thereof.

[19th March, 1836.]

Whereas it is expedient to amend the laws relative to the removal of vagrant and poor person born in the Isles of Jersey and Guernsey, and chargeable to parishes in England; and to make other provisions in lieu thereof: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of an act made in the seventeenth year of the reign of King George the Second, intituled *An Act to amend and make more effectual the laws relating to rogues and vagabonds, and other idle and disorderly persons, and to houses of correction*, as relates to passing vagrants to the Islands of Guernsey and Jersey; and also so much of an act passed in the fifty-ninth year of the reign of King George the Third, intituled *An Act to amend the laws for the relief of the poor*; as relates to the removal of poor persons born in Jersey and Guernsey, who have become chargeable to parishes in England; and also to so much of an act passed in the fifth year of the reign of his present Majesty, intituled *An Act for the punishment of idle and disorderly persons, and rogues and vagabonds, in that part of Great Britain called England*, as relates to the removal of poor persons born in the Isles of Jersey and Guernsey, and being chargeable to parishes in England, shall be and the same are hereby repealed.

Repeat in part of 17 G. 2. c. 5.

59 G. 3. c. 12.

and 5 G. 4. c. 88.

Power to remove chargeable poor born in Jersey or Guernsey, at expense of complaining parish.

II. And be it further enacted, That it shall be lawful for two justices of the peace; and they are hereby required, upon the complaint of the churchwardens and overseers of the poor of any parish, that any person born in either of the Isles of Jersey or Guernsey hath become chargeable to such parish, by himself or herself, or his or her family, to cause such person to be brought before them, and to examine such person, and any other witness or witnesses, on oath, touching the place of the birth or last legal settlement of every such person, and to inquire whether he or she, or any of his or her children, hath or have gained any settlement in that part of the united kingdom called England; and if it shall be found by such justices

that the person so brought before them was born in either of the Isles of Jersey or Guernsey, and hath not gained any settlement in England, and that he or she hath actually become chargeable to the complaining parish, by himself or herself, or his or her family, then such justices shall and they are hereby empowered, by an order of removal under their hands and seals, to cause such poor person, his wife, and such of his or her children so chargeable, as shall not have gained a settlement in England, to be removed, by and at the charge and expense of the complaining parish, to the place of his or her birth.

[11 Geo. 4. c. 10. s. 2.]

An Act for the Relief of Parishes from the Expenses of maintaining the Wives and Families of Men convicted under the Laws for the Prevention of Smuggling, and sentenced to serve His Majesty in his Naval Service. [8th April, 1830.]

II. And be it further enacted, That the wages of every seaman now serving or who shall hereafter be adjudged or entitled to serve in His Majesty's naval service under or by virtue of any such act made or to be made for the prevention of smuggling, whose wife or family is or shall become chargeable to any parish or place, shall from and after the passing of this act be distributed as follows; (that is to say,) a proportion, not exceeding one half, of the wages at which such seaman is rated in the ship's books shall be made available for the support of his wife and family; and in order to effectuate the said purpose, it shall be lawful for any one or more of the churchwardens and overseers of the poor of such parish or place where the wife or family of such seaman shall be or become chargeable, to make complaint thereof on oath to any two justices of the peace acting for the county in which such parish or place shall be situate, and upon the transmission by the said justices of a certificate thereof to the commissioners of His Majesty's navy, specifying therein the proportion (not exceeding one half) of the wages they shall deem necessary to be paid for the relief of the parish, according to the circumstances, having regard to the number of the family; and the said commissioners shall thereupon take the requisite measures for causing payment thereof to such person as shall for that purpose be named in the justices certificate, in the same manner and under similar regulations as allotments of seamen's wages are now or shall be payable, and that the monies so

Distribution of the wages of seamen serving under the smuggling laws.

such shall be applied towards the relief and indemnity of the person, and all payments to be made by the treasurer of the navy under the authority of this act shall be deemed good and valid payments, and shall be allowed as such in his accounts.

- W. L. 71. 35.

It is the more official administration of Justice in
England and Wales. The July, 1930.

1. DATE 1964
2. NAME JOHN
3. AGE 21
4. SEX M

XXXV. And whereas the general quarter sessions of the peace are now directed to be held in each year in the first week after the eleventh day of October, in the first week after the Epiphany, in the first week after the chance of Easter, and in the first week after the translation of St. Thomas the Martyr. And whereas it will be expedient that the times of holding the general quarter sessions of the peace should be altered in part: be it therefore enacted, That in the year of our Lord one thousand eight hundred and thirty-one and afterwards, the justices of the peace in every county, riding, or division for which quarter sessions of the peace by law ought to be held, shall and their general quarter sessions of the peace in the first week after the eleventh day of October, in the first week after the twenty-eighth day of December, in the first week after the thirty-first day of March, and in the first week after the twenty-fourth day of June; and that all acts, matters and things done, performed, and transacted at the times appointed by this act for the holding of the general quarter sessions of the peace, shall be as valid and binding to all intents and purposes as if the same had been done, performed, and transacted at general quarter sessions of the peace holden at the times by law limited for the holding thereof before the passing of this act.

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